

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: AVANDIA MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION

MDL No. 1871
07-md-01871

FILED

THIS DOCUMENT APPLIES TO: MAY 12 2014

Lucinda Hassan v. GSK

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

11-1029

ORDER

AND NOW, this 12th day of May 2014, upon consideration of Cellino & Barnes

P.C.'s Motion to Withdraw as Plaintiff's Counsel in the above-captioned individual action, and of Ms. Hassan's Motion for Appointment of Counsel, and finding that counsel and Ms. Hassan have irreconcilable differences and that Ms. Hassan no longer wishes to be represented by Cellino & Barnes, P.C., it is hereby **ORDERED** that Cellino & Barnes, P.C.'s Motion to Withdraw as counsel is **GRANTED**. Brian Goldstein and Michael Williams of Cellino & Barnes P.C. are hereby granted leave to withdraw their appearance as counsel in the above captioned case.

Plaintiff's Motion for Appointment of Counsel is **DENIED**.¹

The case will remain in suspense for thirty days so that Plaintiff has the opportunity to retain new counsel. Plaintiff is **ORDERED** to file a status update with the Court, within 30 days of the date of this Order, indicating whether she has obtained new counsel, or intends to proceed with the litigation *pro se*. Failure to do so may result in dismissal of this action for failure to

¹ While in some circumstances it is appropriate for the Court to appoint counsel for *indigent* plaintiffs in civil cases, there is no evidence of record that Plaintiff in this case is indigent. See *Tabron v. Grace*, 6 F.3d 147, 153 (3d Cir. 1993); 28 U.S.C. § 1915(e). Furthermore, counsel for plaintiffs in personal injury cases such as this one often agree to represent plaintiffs on a contingency fee basis, which allows even indigent plaintiffs to retain counsel of their own choosing.

To the extent that Plaintiff's motion seeks sanctions against Cellino & Barnes for "filing an improper motion to withdraw and frivolous claims against Ms. Hassan," that request is also denied, as the Court finds that Cellino & Barnes adequately complied with the Court's orders and procedures in moving to withdraw as counsel, and have disclosed only the facts necessary to support their motion.

prosecute, upon a proper motion.

The Clerk of Court is **DIRECTED** to serve this Order by ECF to counsel for both parties, and also by first class mail to Lucinda Hassan, 244 Loring Avenue, Buffalo, NY 14214.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.