

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Charles E. Slynstad, SBN 89103; John J. Welsh, SBN 152744 BURKE, WILLIAMS & SORENSEN, LLP 444 S. Flower Street, 40 th Floor Los Angeles, California 90071-2953 TELEPHONE NO.: 213-236-0600 FAX NO.: 236-2700 ATTORNEY FOR (Name): Elton William Gallegly and Janice Gallegly		FOR COURT USE ONLY	
NAME OF COURT: VENTURA COUNTY SUPERIOR STREET ADDRESS: 800 S. Victoria Avenue MAILING ADDRESS: CITY AND ZIP CODE: Ventura, California 93009 BRANCH NAME:			
CASE NAME: ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN UNIVERSITY, et al.		CASE NUMBER: 56-2021-00560108-CU-BC-VTA	
NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL—CIVIL		HEARING DATE: February 19, 2025 DEPT.: 42 TIME: 8:30 a.m. BEFORE HON.: Ronda J. McKaig DATE ACTION FILED: November 15, 2021 TRIAL DATE: TBD	

TO (name and address of client): ELTON WILLIAM GALLEGLY and JANICE GALLEGLY, 1 Vista Hermosa, Simi Valley, CA 93065

- PLEASE TAKE NOTICE that (name of withdrawing attorney): Burke, Williams & Sorensen, LLP moves under California Code of Civil Procedure section 284(2) and California Rules of Court, rule 3.1362, for an order permitting the attorney to be relieved as attorney of record in this action or proceeding.
- A hearing on this motion to be relieved as counsel will be held as follows:

a.	Date: February 19, 2025	Time: 8:30 a.m.	Dept.: 42	Room:
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b. The address of the court: ☒ same as noted above ☐ other (specify):

- This motion is supported by the accompanying declaration, the papers and records filed in this action or proceeding, and the following additional documents or evidence (specify):
 Declaration in Support of Attorney's Motion to be Relieved as Counsel - Civil
 Order Granting Attorney's Motion to be Relieved as Counsel - Civil (proposed)

(This motion does not need to be accompanied by a memorandum of points and authorities. Cal. Rules of Court, rule 3.1)

- The client presently represented by the attorney is

- | | |
|--|--|
| a. <input checked="" type="checkbox"/> an individual. | g. <input type="checkbox"/> a trustee. |
| b. <input type="checkbox"/> a corporation. | h. <input type="checkbox"/> a personal representative. |
| c. <input type="checkbox"/> a partnership. | i. <input type="checkbox"/> a probate fiduciary. |
| d. <input type="checkbox"/> an unincorporated association. | j. <input type="checkbox"/> a guardian ad litem. |
| e. <input type="checkbox"/> a guardian. | k. <input type="checkbox"/> other (specify): |
| f. <input type="checkbox"/> a conservator. | |

(Continued on reverse)

CASE NAME:

ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN
UNIVERSITY, et al.

CASE NUMBER:

56-2021-00560108-CU-BC-VTA

NOTICE TO CLIENT

If this motion to be relieved as counsel is granted, your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

5. If this motion is granted and a client is representing himself or herself, the client will be solely responsible for the case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, you will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.

6. If this motion is granted, the client must keep the court informed of the client's current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, the court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

Date: January 16, 2025

Charles E. Slyngstad

(TYPE OR PRINT NAME)

► *Charles E. Slyngstad*

(SIGNATURE OF ATTORNEY)

Attorney for (name): Elton William Gallegly and Janice Gallegly

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Charles E. Slyngstad, SBN 89103; John J. Welsh, SBN 152744 BURKE, WILLIAMS & SORENSEN, LLP 444 S. Flower Street, 40 th Floor Los Angeles, CA 90071 TELEPHONE NO.: 213-236-0600 FAX NO.: 213-236-2700 ATTORNEY FOR (Name): Elton William Gallegly and Janice Gallegly NAME OF COURT: VENTURA COUNTY SUPERIOR COURT STREET ADDRESS: 800 S. Victoria Avenue MAILING ADDRESS: CITY AND ZIP CODE: Ventura, California 93009 BRANCH NAME:	FOR COURT USE ONLY
CASE NAME: ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN UNIVERSITY, et al.	CASE NUMBER: 56-2021-00560108-CU-BC-VTA
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL	HEARING DATE: February 19, 2025 DEPT.: 42 TIME: 8:30 a.m. BEFORE HON.: Ronda J. McKaig DATE ACTION FILED: November 15, 2021 TRIAL DATE: TBD

1. **Attorney and Represented Party.** Attorney (name): Burke, Williams & Sorensen, LLP and its individual attorneys are ☒ presently counsel of record for (name of party): Elton William Gallegly and Janice Gallegly in the above-captioned action or proceeding.
2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (describe):
 Counsel brings this motion because clients will not provide consent and change attorneys and have not obtained a new attorney to represent them. Efforts have been made through prior correspondence and substitution forms have been provided to clients and the forms have not been completed and returned, either in proper or with new counsel. Counsel within the last 30 days has confirmed that the clients remain in residence at the address they have resided for years, which is the address used for service. The grounds for withdrawal, in good faith, which have been discussed and addressed in multiple conversations and correspondence are as follows. Clients have breached a material term of an agreement with, or obligation to, the lawyer relating to the representation, and also insist on making a claim or defense in litigation that renders it unreasonably difficult for counsel to carry out the representation effectively. Rule 1.16 (b) (1), (4), and (5). Counsel has been unable to work further with the clients' general counsel, who is not of record. Rule 1.16 (b)(7). The clients and counsel also have a disagreement regarding strategy and presentation of the future jury trial. Rule 1.16 (b) (4) (10).
☒ Continued on Attachment 2.
3. **Service**
 - a. Attorney has
 - (1) ☐ personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
 - (2) ☒ served the client by mail at the client's last known address with copies of the motion papers served with this declaration.
 - b. If the client has been served by mail at the client's last known address, attorney has
 - (1) ☒ confirmed within the past 30 days that the address is current
 - (a) ☐ by mail, return receipt requested.
 - (b) ☐ by telephone.
 - (c) ☒ by conversation.
 - (d) ☒ by other means (specify): in discussing location of recent fires

(Continued on reverse)

CASE NAME:

ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN UNIVERSITY, et al.

CASE NUMBER:

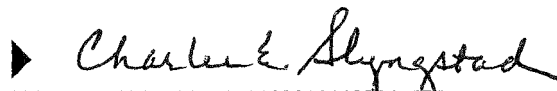
56-2021-00560108-CU-BC-VTA

3. b. (2) ☐ been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
- (a) ☐ mailing the motion papers to the client's last known address, return receipt requested.
 - (b) ☐ calling the client's last known telephone number or numbers.
 - (c) ☐ contacting persons familiar with the client (*specify*):
 - (d) ☐ conducting a search (*describe*):
 - (e) ☐ other (*specify*):
- c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):
4. The next hearing scheduled in this action or proceeding
- a. ☐ is not yet set.
 - b. ☒ is set as follows (*specify the date, time, and place*): January 27, 2025; 8:30 a.m., Dept. 42 Ventura County Sup. Ct.
 - c. ☒ concerns (*describe the subject matter of the hearing*): Trial Setting Conference
- ☐ Continued on Attachment 4.
5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each, describe the date, time, place, and subject matter*):
- ☐ Continued on Attachment 5.
6. Trial in this action or proceeding
- a. ☒ is not yet set.
 - b. ☐ is set as follows (*specify the date, time, and place*):
7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):
Bench trial of first cause of action for declaratory relief took place in July and August 2024. Transcript exists and will be provided to new trial counsel. Jury trial of remainder of lawsuit is not yet scheduled.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: January 16, 2025

Charles E. Slynstad

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

8. Number of pages attached: 2

SHORT TITLE: ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN UNIVERSITY, et al.

CASE NUMBER:
56-2021-00560108-CU-BC-VTA

ATTACHMENT 2

1. The breach and disagreements have continued after the lawyer gave the clients reasonable, repeated warnings after the breach beginning in September and October 2024 that counsel will withdraw unless the clients fulfill the agreement or perform the obligations and resolve the disagreements.

2. The matter has been discussed at length orally and in detailed, confidential writings with the clients and their multiple, separate counsel who have declined to represent the clients in this lawsuit.. A true and correct copy of an email dated January 13, 2025 (without attachments) sent to the clients and copied to their counsel is attached hereto as Exhibit "A."

3. The specific facts that give rise to this motion are confidential and required to be kept confidential pursuant to Business and Professions Code section 6068(e), California Rules of Professional Conduct, Rule 1.6, and by the attorney-client privilege (Evid. Code, §§ 950, et seq.).

4. Further disclosure may be appropriate and moving counsel requests an in camera hearing to provide the Court with further information about the basis for this motion to be relieved as counsel. Such a hearing outside of the presence of all other parties has been supported by the Second District Court of Appeal in *Manfredi & Levine v. Superior Court* (1998) 66 Cal.App.4th 1128, 1136-1137; Rule 1.16 (b)-(c)).

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, *not* line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 3 of 3

EXHIBIT A

Slyngstad, Charles E.

From: Slyngstad, Charles E.
Sent: Monday, January 13, 2025 4:04 PM
To: Elton; Janice Gallegly; Elton Gallegly
Cc: Barry Groveman; wagstaffe@ammcglaw.com; sgoo@ammcglaw.com; Welsh, John J.
Subject: Gallegly v. California Lutheran University, Case No. 56-2021-00560108-CU-BC-VTA - Motion to be Relieved as Counsel
Attachments: Gallegly - Notice Of Motion And Motion To Be Relieved As Counsel-Civil.pdf; Gallegly - Declaration In Support Of Attorneys Motion To Be Relieved As Counsel.pdf; Gallegly Attachment 2 to Motion.pdf; Gallegly - Order Granting Attorneys Motion To Be Relieved As Counsel Civil.pdf
Sensitivity: Confidential

Dear Elton and Janice—

We have provided you with at least three (3) months of notice to obtain new counsel to represent you in the case against California Lutheran University. And as mentioned on our most recent phone call with you and your attorney, Barry Groveman, last Friday, our firm has concluded that we must file our motion to be relieved as your counsel in the case.

A final copy of the motion, declaration, and proposed order is attached. It will be served on you and filed with the court later this week.

Charlie

Charles E. Slyngstad | Partner
444 South Flower Street, Suite 2400 | Los Angeles, CA 90071-2953
d - 213.236.2709 | t - 213.236.0600 | f - 213.236.2700 | m - 818.642.2810
cslyngstad@bwsllaw.com | [vCard](#) | bwsllaw.com



The information contained in this e-mail message is intended only for the CONFIDENTIAL use of the designated addressee named above. The information transmitted is subject to the attorney-client privilege and/or represents confidential attorney work product. Recipients should not file copies of this email with publicly accessible records. If you are not the designated addressee named above or the authorized agent responsible for delivering it to the designated addressee, you received this document through inadvertent error and any further review, dissemination, distribution or copying of this communication by you or anyone else is strictly prohibited. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONING THE SENDER NAMED ABOVE AT 800.333.4297. Thank you.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Charles E. Slyngstad, SBN 89103; John J. Welsh, SBN 152744 BURKE, WILLIAMS & SORESENSEN, LLP 444 S. Flower Street, 40 th Floor Los Angeles, California 90071-2953 TELEPHONE NO.: 213-236-0600 FAX NO. (Optional): 213-236-2700 E-MAIL ADDRESS (Optional): cslyngstad@bwslaw.com; jwelsh@bwslaw.com ATTORNEY FOR (Name): Elton William Gallegly and Janice Gallegly	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS: 800 S. Victoria Avenue MAILING ADDRESS: same CITY AND ZIP CODE: Ventura, CA 93009 BRANCH NAME:	
CASE NAME: ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN UNIVERSITY, et al.	CASE NUMBER: 56-2021-00560108-CU-BC-VTA
ORDER GRANTING ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL	HEARING DATE: February 19, 2025 DEPT.: 42 TIME: 8:30 a.m. BEFORE HON.: Ronda J. McKaig DATE ACTION FILED: November 15, 2021 TRIAL DATE: TBD

- The motion of (*name of attorney*): Burke, Williams & Sorensen, LLP to be relieved as counsel of record for (*name of client*): ELTON WILLIAM GALLEGLY and JANICE GALLEGLY a party to this action or proceeding, came on regularly for hearing at the date, time, and place indicated above.
- The following persons were present at the hearing:
Charles E. Slyngstad of Burke, Williams & Sorensen, LLP; Plaintiffs Elton Gallegly and Janice Gallegly; Matthew Burris of Quarles & Brady, LLP for Defendants

FINDINGS

- Attorney has
 - ☐ personally served the client with papers in support of this motion,
 - ☒ served client by mail and submitted a declaration establishing that the service requirements of California Rules of Court, rule 3.1362, have been satisfied.
- Attorney has shown sufficient reasons why the motion to be relieved as counsel should be granted and why the attorney has brought a motion under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1).

ORDER

- Attorney is relieved as counsel of record for client
 - ☒ effective upon the filing of the proof of service of this signed order upon the client.
 - ☐ effective on (*specify date*):
- The client's ☒ current ☐ last known address and telephone number:
1 Vista Hermosa, Simi Valley, California 93065, telephone (805)501-5400

If the client's current address is known, service on the client must hereafter be made at that address unless otherwise ordered in item 13. If the current address is not known, service must be made according to Code of Civil Procedure section 1011 (b) and rule 3.252 of the California Rules of Court.

- The next scheduled hearing in this action or proceeding is set for (*date, time, and place*): 1/27/2025, 8:30 a.m., Dept. 42 of Ventura County Superior Court, address shown above.
 - The hearing will concern (*subject matter*): Trial Setting Conference

NOTICE TO CLIENT

You or your new attorney, if any, must prepare for and attend this hearing.

CASE NAME:

ELTON WILLIAM GALLEGLY, et al. v. CALIFORNIA LUTHERAN
UNIVERSITY, et al.

CASE NUMBER:

56-2021-00560108-CU-BC-VTA

8. The following additional hearings and other proceedings (including discovery matters) are set in this action (*describe the date, time, place, and subject matter of each*):
9. The trial in this action or proceeding:
- a. ☒ is not yet set.
- b. ☐ is set for (*specify date, time, and place*):
10. Client is hereby notified of the following effects this order may have upon parties.

NOTICE TO CLIENT

Your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

11. Client is notified that, if the client will be representing himself or herself, the client shall be solely responsible for the case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

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12. Client is notified that it is the client's duty to keep the court informed at all times of the client's current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

The court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

13. The court further orders (*specify*):

Date: February ____, 2025

JUDGE OR JUDICIAL OFFICER

1 Charles E. Slyngstad (SBN 89103)
E-mail: cslyngstad@bwslaw.com
2 John J. Welsh (SBN 152744)
E-mail: jwelsh@bwslaw.com
3 BURKE, WILLIAMS & SORESENSEN, LLP
444 South Flower Street, 40th Floor
4 Los Angeles, California 90071-2953
Tel: 213.236.0600 Fax: 213.236.2700

5 Attorneys for Plaintiffs
6 ELTON WILLIAM GALLEGLY
and JANICE GALLEGLY
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF VENTURA
10

11 ELTON WILLIAM GALLEGLY, and
12 JANICE GALLEGLY,

13 Plaintiffs,

14 v.

15 CALIFORNIA LUTHERAN UNIVERSITY,
LORI E. VARLOTTA, PhD., CHRIS
16 KIMBALL, PhD, and DOES 1 through 100,
inclusive,

17 Defendants.
18

Case No. 56-2021-00560108-CU-BC-VTA

PROOF OF SERVICE

Assigned for All Purposes to:
Hon. Henry Walsh, Department 42

Action Filed: November 15, 2021
Trial Date: July 15, 2024

19 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

20 At the time of service, I was over 18 years of age and not a party to this action. I am
21 employed in the County of Los Angeles, State of California. My business address is 444 South
22 Flower Street, 40th Floor, Los Angeles, CA 90071-2942.

23 On January 16, 2025, I served true copies of the following document(s) described as (1)
24 **NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL; (2)**
25 **DECLARATION IN SUPPORT OF MOTION TO BE RELIEVED AS COUNSEL; (3)**
26 **ORDER GRANTING MOTION TO BE RELIEVED AS COUNSEL; AND (4) PROOF OF**
27 **SERVICE** on the interested parties in this action as follows:
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SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Burke, Williams & Sorensen, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 16, 2025, at Los Angeles, California.


Vickie G. Johnson

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SERVICE LIST
Elton William Gallegly v. California Lutheran University, et al.
Case No. 56-2021-00560108-CU-BC-VTA

Matthew W. Burris, Esq. QUARLES & BRADY LLP 101 West Broadway, Ninth Floor San Diego, CA 92101-8285 Telephone: (619)237-5200 Facsimile: (619)615-0700 Attorneys for Defendants California Lutheran University, Lori E. Varlotta, PhD., and Chris Kimball, PhD. Daniel M. Janssen, Esq. QUARLES & BRADY, LLP 411 E. Wisconsin Ave., Suite 2400 Milwaukee, WI 53202 Telephone: (414) 277-5733 Zachary T. Eastburn QUARLES & BRADY, LLP 300 N. LaSalle Street Chicago, IL 60654 Telephone: (312) 715-2715 Elton William Gallegly 1 Vista Hermosa Simi Valley, CA 93065	Email: matt.burris@quarles.com amy.arnold@quarles.com celia.alberti@quarles.com Email: daniel.janssen@quarles.com mandie.lukasik@quarles.com margie.kupsik@quarles.com Email: zachary.eastburn@quarles.com lisa.strand@quarles.com Janice Gallegly 1 Vista Hermosa Simi Valley, CA 93065
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