

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DUVALL ESPRESSO IP	)	
ENFORCEMENT, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 24-22-CJB
	)	
METICULOUS HOME, INC. and	)	
JUAN CARLOS LOPEZ PENDAS,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Pending in this patent infringement case brought by Plaintiff Duvall Espresso IP Enforcement, LLC (“Plaintiff” or “Duvall”) against Defendants Meticulous Home, Inc. (“Meticulous”) and Juan Carlos Lopez Pendas (“Mr. Pendas” and collectively with Meticulous, “Defendants”) is a Motion to Withdraw as Counsel for Defendants (the “Motion”) brought by the law firms of Morris, Nichols, Arnsht and Tunnell LLP (“MNAT”) and Perkins Coie LLP (“Perkins” and collectively with MNAT, “Movants”). (D.I. 72) For the reasons set forth below, the Court<sup>1</sup> GRANTS the Motion.

1. On December 29, 2025, the Movants filed the Motion, representing that despite multiple efforts to contact Defendants, they have been unable to reach Defendants regarding the outstanding balance of unpaid legal fees exceeding \$100,000. (*Id.* at ¶ 4) Movants have not received payment from Defendants since July 2024 and they have not been in contact with Defendants since April 2025. (*Id.*) Movants last attempted to contact Defendants via a letter sent on October 13, 2025 by electronic mail, certified mail to Defendants’ last known physical

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<sup>1</sup> On February 16, 2024, the parties jointly consented to the Court’s jurisdiction to conduct all proceedings in this case, including trial, the entry of final judgment and all post-trial proceedings. (D.I. 38)

address and by hand delivery to Meticulous' registered agent, but they have not received a response to the letter. (*Id.* at ¶¶ 5-6)

2. Plaintiff does not oppose the Motion. (*Id.* at 1)

3. In the United States Court of Appeals for the Third Circuit, “there is no multi-factor test that a district court must apply to decide a motion for attorney withdrawal.” *Ohntrup v. Makina Ve Kimya Endustrisi Kurumu*, 760 F.3d 290, 295 (3d Cir. 2014). Instead, the decision to grant a motion to withdraw is within the discretion of the court. *Id.* A “lawyer is entitled to withdraw once [he] demonstrates to the satisfaction of the district court that [his] appearance serves no meaningful purpose.” *LabMD Inc. v. Boback*, 47 F.4th 164, 190 (3d Cir. 2022) (internal quotation marks and citations omitted). A withdrawing firm serves no meaningful purpose when “efforts to communicate with [the client] through the Firm are futile.” *Ohntrup*, 760 F.3d at 295; *AAG Glass, LLC v. Laminados De Aller, S.A.*, Civil Action No. 21-638-SRF, 2025 WL 326918, at \*2 (D. Del. Jan. 29, 2025). “[I]t would be an abuse of discretion to deny [a] motion to withdraw” when the withdrawing firm serves no meaningful purpose. *Ohntrup*, 760 F.3d at 295.<sup>2</sup>

4. It is well settled that a corporate defendant may appear in federal courts only through licensed counsel. *See Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 217 (1993) (Thomas, J., dissenting); *Simbraw, Inc. v. United States*, 367 F.2d 373, 373-74 (3d Cir. 1966). However, there is no requirement that counsel must not withdraw until a

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<sup>2</sup> Pursuant to this Court's Local Rules, when withdrawal would leave a party without a member of the Bar of this Court appearing as counsel of record, “no appearance shall be withdrawn except by order on a motion duly noticed to each party and served on the party client, at least 14 days before the motion is presented, by registered or certified mail addressed to the client's last known address.” D. Del. LR 83.7. Movants here complied with Local Rule 83.7. (D.I. 72 at ¶ 7)

corporate client has retained substitute counsel. *See Ohntrup*, 760 F.3d at 294. The failure of a corporate defendant to retain licensed counsel within the time frame ordered by the Court may result in the entry of default in appearance and/or default judgment under Federal Rule of Civil Procedure 55. *See Endobotics, LLC v. Medrobotics Corp.*, C.A. No. 19-381-CFC, 2020 WL 7042892, at \*1-2 (D. Del. Dec. 1, 2020).

5. In support of the Motion, Movants cite Rule 1.16(b) of the Delaware Lawyers' Rules of Professional Conduct, which provides that a lawyer may withdraw from representing a client if "the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled" or if "other good cause for withdrawal exists." (D.I. 72 at ¶ 8 (quoting Del. Rules of Prof. Conduct 1.16(b)(5), (b)(7))) Movants have satisfied the standard for withdrawing as counsel here, citing not only the nonpayment of more than \$100,000 in fees, but also their inability to successfully communicate with Defendants. (*Id.* at ¶¶ 4-6) The record therefore supports Movants' position that continued representation of Defendants would serve no meaningful purpose. *Ohntrup*, 760 F.3d at 295; *AAG Glass, LLC*, 2025 WL 326918, at \*2.

6. For the foregoing reasons, IT IS ORDERED that the Motion is GRANTED pursuant to D. Del. LR 83.7 as follows:

- (i) Movants, the law firms of Morris, Nichols, Arsht & Tunnell LLP and Perkins Coie LLP, are hereby WITHDRAWN as counsel of record for Defendants and are relieved of all further obligations on behalf of Defendants.
- (ii) Meticulous shall have **thirty (30) days** from the date of this Memorandum Order to retain new counsel, which shall enter its appearance on or before **February 9, 2026**. The failure of Meticulous to retain new counsel in accordance with this Memorandum Order

shall be considered a failure to defend and may result in the entry of default against them because a corporate defendant cannot represent itself. *See Endobotics, LLC*, 2020 WL 7042892, at \*1-2. Upon entry of a default in appearance, the Court will determine whether judgment (and in what amount) shall be entered against the defaulted parties.

- (iii) Individual Defendant Mr. Pendas shall have **thirty (30) days** from the date of this Memorandum Order, on or before **February 9, 2026** to retain new counsel or notify the Court if he intend(s) to proceed as a *pro se* litigant.
- (iv) On or before **January 15, 2026**, movants shall provide Plaintiff's counsel with the last known addresses for each Defendant based on the most current information in the movants' possession.
- (v) Movants shall serve a copy of this Memorandum Order on Defendants via Federal Express, certified mail and electronic mail by no later than **January 9, 2026**.

Dated: January 8, 2026

  
Christopher J. Burke  
UNITED STATES MAGISTRATE JUDGE