

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT MICHIGAN**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. 1:13-CV-360-RJJ
)	
v.)	
)	
JESSE RALEIGH,)	
)	
Defendant.)	
_____)	

PLAINTIFF’S COUNSEL’S MOTION FOR LEAVE TO APPEAR TELEPHONICALLY

Undersigned counsel for Plaintiff, Malibu Media, LLC (“Plaintiff”), pursuant to Fed. R. Civ. P. 1, respectfully moves for the entry of an order allowing Plaintiff’s counsel to appear telephonically at the hearing on Friday, April 29, 2016, and states:

1. On April 18, 2016, undersigned counsel—M. Keith Lipscomb and Jessica Fernandez of Lipscomb, Eisenberg & Baker, PL (“LEB”)—moved to withdraw from the representation of Plaintiff. *See* CM/ECF 143 & 144. The motions were referred to Magistrate Judge Ray Kent, who scheduled a hearing for 1:30 PM this Friday, April 29, 2016 in chambers. *See* CM/ECF 145. The Order does not state whether telephonic appearances are permitted. *Id.*

2. Undersigned is located in Miami, Florida, approximately 1,500 miles away from chambers, and M. Keith Lipscomb, the senior attorney able to speak to the circumstances leading to and warranting LEB’s withdrawal, cannot attend the hearing in person without substantially rescheduling prior commitments. Specifically, M. Keith Lipscomb has a meeting in an unrelated case scheduled for late in the afternoon on Thursday, April 28, and the date of the hearing, Friday, April 29, is his birthday. An early evening birthday dinner has long since been scheduled

and a number of out of town guests have made arrangements to attend same. Traveling to Grand Rapids will not only require a significant change of plans, but will also result in added expenses.

3. Based on the foregoing and to avoid incurring further costs, undersigned respectfully requests that it be allowed to attend the hearing telephonically. This request is made in good faith and not for any improper purpose. Granting the request will prejudice neither the parties nor the Court, and will best comport with the Federal Rules, which provide for the “just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1.

WHEREFORE, undersigned respectfully requests the entry of an order permitting Plaintiff’s counsel to appear telephonically at the hearing set for 1:30 PM this Friday, April 29, 2016.

Respectfully submitted,

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CERTIFICATE OF GOOD FAITH CONFERRAL

I hereby certify that I conferred with defense counsel who opposes the subject request.

By: /s/ Jessica Fernandez, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ M. Keith Lipscomb, Esq.