

**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.)	
_____)	

MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

Undersigned counsel Paul J. Nicoletti of the law firm Nicoletti Law, PLC (“NLPLC”) hereby moves for entry of an Order authorizing his withdrawal from representation of Plaintiff Malibu Media, LLC (“Plaintiff”), and in support states:

1. “[A] lawyer ... shall withdraw from the representation of a client if: ... (3) the lawyer is discharged. Mich. R. Prof. Conduct 1.16(a)(3).
2. On June 16, 2015 at 10:18 a.m., the undersigned was unofficially replaced when the appearances of Ms. Fernandez and Mr. Lipscomb filed their appearances with the court.
3. Since that time the undersigned, other than the oversight of not filing a previous motion to withdraw, ceased active litigation of the case at bar.
4. On April 21, 2016, at 12:47 p.m., the undersigned received a telephone call from Defendant’s Counsel, Lincoln Herweyer. (Voice Mail has been saved for the court’s review if necessary).
5. Thereafter, as a professional courtesy, the undersigned returned the call to Defendant’s Counsel, Lincoln Herweyer, whereupon the undersigned inquired as to where the case stood and whether settlement discussions had taken place recently.

6. On April 26, 2016, at 12:58 p.m., the undersigned was discharged by the new Corporate Counsel for the Plaintiff.

7. Should the Court have questions about the discharge necessitating the withdrawal, undersigned requests an *in camera* telephonic hearing so that undersigned may display the email communication without disclosing attorney client privileged information.

8. The court has scheduled a telephonic hearing for tomorrow at 2:30 p.m. (E.S.T) to address other counsels' motion to withdraw.

WHEREFORE, undersigned respectfully requests that the Court hear this motion tomorrow during the teleconference, and an order authorizing undersigned's withdrawal.

DATED: April 28, 2016

Respectfully submitted,

NICOLETTI LAW, PLC

By: /s/ Paul J. Nicoletti

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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 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/ Paul J. Nicoletti