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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14
15 RIGHTHAVEN LLC, a Nevada limited-
liability company,)
16)
17 Plaintiff,)
18 v.)
19 THOMAS A. DIBIASE, an individual,)
20 Defendant.)
21)
22 THOMAS A. DIBIASE, an individual,)
23 Counterclaimant,)
24 v.)
25 RIGHTHAVEN LLC, a Nevada limited-
liability company,)
26 Counter-defendant.)
27)
28)

CASE NO.: 2:10-cv-01343-RLH-PAL

**MOTION TO WITHDRAW AS
COUNSEL; PROPOSED ORDER**

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NOTICE OF MOTION & MOTION

Please take notice that defendant and counterclaimant Thomas DiBiase (“DiBiase”) respectfully moves for an order permitting Bart E. Volkmer (“Volkmer Decl.”) to withdraw as his counsel in this action.

MEMORANUDM OF POINTS & AUTHORITIES

Local Rule IA 10-6 provides that “[n]o attorney may withdraw after appearing in a case except by leave of Court after notice has been served on the affected client and opposing counsel.” By this motion, Mr. DiBiase moves for an order allowing Bart E. Volkmer to withdraw as his counsel in this action because Mr. Volkmer will be leaving the firm of Wilson Sonsini Goodrich & Rosati for other employment. Mr. DiBiase consents to Mr. Volkmer withdrawing as his counsel. Mr. DiBiase will continue to be represented in this action by the Electronic Frontier Foundation and Wilson Sonsini Goodrich & Rosati. Mr. Volkmer’s withdrawal will not affect any case deadlines.

Dated: August 26, 2011

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Bart E. Volkmer
Bart E. Volkmer (*pro hac vice*)
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Attorneys for Thomas A. DiBiase

[PROPOSED] ORDER

For good cause shown, the Court grants Mr. DiBiase’s motion to have Bart E. Volkmer withdraw as his counsel in this action.

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____