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1 **Edward Cerasia II, Esq.**  
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 2 150 Broadway, Suite 1517  
 3 New York, NY 10038  
 (646) 525-4231  
 4 Counsel Admitted Pro Hac Vice  
 For Plaintiff/Counter Defendant  
 5 STEVEN SAFRAN

6 **Patrick N. Chapin, Esq.**  
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 7 Nevada Bar No. 004946  
 8 129 Cassia Way  
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 9 (702) 433-7295 phone  
 (702) 403-1919 fax  
 10 Local Counsel for Plaintiff/Counter Defendant  
 11 STEVEN SAFRAN

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

15 STEVEN SAFRAN,  
 16  
 17 Plaintiff,  
 18 vs.  
 19 UNITED HEALTH PRODUCTS, INC. and  
 DOUGLAS BEPLATE,  
 20  
 21 Defendants.

Case No. 2:18-cv-00158

**MOTION AND PROPOSED ORDER  
 TO WITHDRAWAL AS  
 COUNSEL OF RECORD  
 (ALISON L. TOMASCO, ESQ.)**

22 UNITED HEALTH PRODUCTS, INC. and  
 DOUGLAS BEPLATE,  
 23  
 24 Counter Claimants,  
 vs.  
 25 STEVEN SAFRAN,  
 26  
 27 Counter Defendant.

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1 COMES NOW, Patrick N. Chapin, Esq., Nevada Counsel of Record for Plaintiff/  
2 Counter Defendant Steven Safran (“Safran”), and respectfully moves this Court for an Order  
3 permitting New York Counsel, Alison L. Tomasco, Esq., to withdraw as counsel of record,  
4 pursuant to LR IA 11-6.

5 This Motion is supported by the following Points and Authorities, the Declaration of  
6 Alison L. Tomasco, Esq. attached hereto, and any oral argument that may be allowed at hearing.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 Alison Tomasco, Esq. is one of two New York attorneys of record for Plaintiff/  
9 Counter Defendant Safran in the above-entitled matter. This case was transferred from the  
10 U.S. District Court, Southern District of New York, to this Court on January 29, 2018. Ms.  
11 Tomasco does not intend to make a court appearance or appear at depositions in this case. In  
12 the event these circumstances change, Ms. Tomasco will seek the appropriate order of pro hac  
13 vice admittance from this Court.

14 Local Rule IA 11-6 (b) provides that “No attorney may withdraw after appearing in a  
15 case except by leave of the court after notice has been served on the affected client and  
16 opposing counsel.” Safran, by and through his New York counsel admitted pro hac vice, will  
17 receive notice of this Motion to Withdraw. Opposing counsel will receive notice via the  
18 CM/ECF e-filing system pursuant to the Certificate of Service attached hereto.

19 Additionally, Local Rule IA 11-6 (e) provides that “Except for good cause shown, no  
20 withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or  
21 any hearing in the case.” Here, no delay will result from Ms. Tomasco’s withdrawal because  
22 Safran is represented by Edward Cerasia II, Esq. and Patrick N. Chapin, Esq., having  
23 previously appeared before this Court. Ms. Tomasco’s withdrawal will not prejudice either  
24 party or delay any proceeding in this matter.

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**CONCLUSION**

For the reasons set forth above, Alison L. Tomasco, Esq., by and through local counsel, Patrick N. Chapin, respectfully moves this Court for an Order approving the withdrawal of Ms. Tomasco as a representing attorney for Plaintiff/Counter Defendant Steven Safran in the instant matter.

DATED this 31<sup>st</sup> day of May, 2018.

Respectfully submitted,

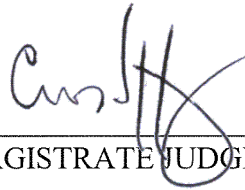
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\_\_\_\_\_  
PATRICK N. CHAPIN, ESQ.  
Nevada Bar No. 004946  
129 Cassia Way  
Henderson, Nevada 89014  
Attorney for Plaintiff/Counter Defendant  
STEVEN SAFRAN

**ORDER**

IT IS SO ORDERED this 1 day of June, 2018.



\_\_\_\_\_  
U.S. MAGISTRATE JUDGE

**PATRICK N. CHAPIN, LTD.**

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6 Counsel Admitted Pro Hac Vice  
7 For Plaintiff/Counter Defendant  
8 STEVEN SAFRAN

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13 Local Counsel for Plaintiff/Counter Defendant  
14 STEVEN SAFRAN

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

15 STEVEN SAFRAN,

16 Plaintiff,

17 vs.

18 UNITED HEALTH PRODUCTS, INC. and  
19 DOUGLAS BEPLATE,

20 Defendants.

Case No. 2:18-cv-00158

**DECLARATION OF ALISON L.  
TOMASCO, ESQ. IN SUPPORT OF  
MOTION TO WITHDRAWAL AS  
COUNSEL OF RECORD**

21 UNITED HEALTH PRODUCTS, INC. and  
22 DOUGLAS BEPLATE,

23 Counter Claimants,

24 vs.

25 STEVEN SAFRAN,

26 Counter Defendant.

27 I, Alison L. Tomasco, Esq., under penalty of perjury under the laws of the United  
28 States of America and the State of New York, declare and state as follows:

**PATRICK N. CHAPIN, LTD.**

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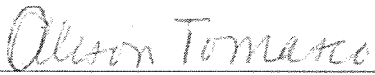
1. I am an Attorney admitted to practice in all courts of the State of New York. Unless otherwise stated, this Declaration is based on my personal knowledge. I make this declaration in support of the Motion to Withdraw as Counsel of Record. Prior to the instant case being transferred to Nevada, I was one of the attorneys at Cerasia & Del Rey-Cone LLP representing Plaintiff/Counter Defendant Steven Safran.

2. Since the transfer of the case to Nevada, I will not be appearing in Court or at depositions in this case on behalf of Mr. Safran. Mr. Cerasia, along with Nevada Counsel Patrick N. Chapin, will be counsel for all matters before this Court.

3. Steven Safran has been provided notice of this Motion to Withdraw by and through Mr. Cerasia. Opposing counsel will receive notice via the CM/ECF e-filing system pursuant to the Certificate of Service attached hereto

Dated this 31<sup>st</sup> day of May, 2018.

ALISON L. TOMASCO, ESQ.

  
CERASIA & DEL REY-CONE, LLP  
150 Broadway, Suite 1517  
New York, NY 10038  
(646) 525-4231  
New York Counsel of Record for  
Plaintiff/Counter Defendant Steven Safran

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 31<sup>st</sup> day of May, 2018, I served a copy of the foregoing **MOTION AND PROPOSED ORDER TO WITHDRAWAL AS COUNSEL OF RECORD** and the **DECLARATION OF ALISON L. TOMASCO, ESQ. IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL OF RECORD** by electronic service to the following:

**Steven Safran**  
**c/o Edward Cerasia II, Esq.**  
CERASIA & DEL REY-CONE, LLP  
150 Broadway, Suite 1517  
New York, NY 10038  
(646) 525-4231  
[ed@cdemploymentlaw.com](mailto:ed@cdemploymentlaw.com)  
Plaintiff/Counter Defendant

**Howard Robert Birnbach, Esq.**  
111 Great Neck Road, Suite 205  
Great Neck, NY 11021  
[hrbatlaw@aol.com](mailto:hrbatlaw@aol.com)  
Attorney for Defendants/Counter Claimants  
United Health Products, Inc. and Douglas Beplate

**Frank H Cofer, III, Esq.**  
Cofer & Geller, LLC  
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Las Vegas, NV 89101  
[fcofer@cofergeller.com](mailto:fcofer@cofergeller.com)  
Local Counsel for Defendants/Counter Claimants  
United Health Products, Inc. and Douglas Beplate

  
An Employee of Patrick N. Chapin, Ltd.