

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GREEN OAK HEDGE FUND,

Plaintiff,

vs.

RICK HOPKINSON, ELITE TRADING
INTERNATIONAL, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING MOTION TO
WITHDRAW AS COUNSEL

Case No. 2:06-CV-636 TS

Counsel for Defendant Elite Trading International moves to withdraw because (1) his client has not paid him and a principal of his client may be filing for protection under the Bankruptcy laws.


The Court will deny the Motion for the following reasons. First, there is no compliance with DUCivR 83-1.4(a)(1) and (2) regarding consent or the matters to be provided absent consent. Second, there is no compliance with DUCivR 83-1.4(a)(3). This case has been scheduled for trial for over a year, a trial date that is rapidly approaching. Yet there is no certification that if counsel withdraws new counsel will be prepared for trial. Finally, the Court notes that if Defendant Elite Trading International files bankruptcy,

current counsel, or the bankruptcy counsel should notify the Court in this case by filing a Suggestion of Bankruptcy or otherwise. It is therefore

ORDERED that the Motion to Withdraw (Docket No. 100) is DENIED.

DATED August 18, 2009.

BY THE COURT:



TED STEWART
United States District Judge