

1 RONALD E. MALLEN (SBN: 040928)  
 2 KENDRA L. BASNER (SBN: 250088)  
 3 HINSHAW & CULBERTSON LLP  
 One California Street, 18th Floor  
 San Francisco, CA 94111  
 Telephone: 415-362-6000  
 4 Facsimile: 415-834-9070  
 rmallen@hinshawlaw.com  
 5 kbasner@hinshawlaw.com

6 *Attorneys for Plaintiff*  
 SIMMONDS & NARITA LLP

7  
 8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN FRANCISCO DIVISION**

12 SIMMONDS & NARITA LLP, a limited  
 liability partnership,

13 Plaintiff,

14 vs.

15 JEFFREY SCHREIBER; SUZANNE E.  
 16 SCHREIBER, and DOES 1 through 50,  
 inclusive

17 Defendants.

Case No.: CV 08 2209 SI

APPLICATION FOR WITHDRAWAL  
 AND SUBSTITUTION OF NEW  
 COUNSEL FOR PLAINTIFF AND  
 (PROPOSED) ORDER

18  
 19 Plaintiff Simmonds & Narita LLP hereby applies to the Court and requests that the  
 20 Court permit the withdrawal of current counsel for Plaintiff, Smith Lillis Pitha, LLP, and  
 21 permit the substitution of new counsel for Plaintiff, Hinshaw & Culbertson, LLP, as  
 22 counsel of record in the place of Smith Lillis Pitha, LLP. Hinshaw & Culbertson, LLP is  
 23 located at One California Street, 18<sup>th</sup> Floor, San Francisco, California 94111, telephone  
 24 415-362-6000, facsimile 415-834-9070, and its partner Ronald E. Mallen (SBN 040928),  
 25 rmallen@hinshawlaw.com, and associate Kendra L. Basner (SBN 250088),  
 26 kbasner@hinshawlaw.com, are duly admitted to practice in this District.

27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Plaintiff requests and consents to this withdrawal and substitution:

DATED: 9/24, 2008


PLAINTIFF SIMMONDS & NARITA LLP

By:   
TOMIO NARITA, Partner

Former counsel consents to this withdrawal and substitution:

DATED: 9/23, 2008


SMITH LILLIS PITHA LLP

By:   
DAMIEN P. LILLIS

New counsel consents to this substitution:

DATED: 9/25, 2008

HINSHAW & CULBERTSON LLP

By:   
Ronald E. Mallen  
Kendra L. Basner  
*Attorneys for Plaintiff*  
SIMMONDS & NARITA LLP

**ORDER**

THE FOREGOING WITHDRAWAL AND SUBSTITUTION OF ATTORNEY

IS HEREBY APPROVED:

Dated: \_\_\_\_\_

  
Honorable Susan Illston  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

**SIMMONDS & NARITA LLP V. JEFFREY SCHREIBER, ET AL.**

Case No. CV 08 2209 SI

I am a citizen of the United States and employed in San Francisco, California, at the office of a member of the bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within actions; my business address is One California Street, 18th Floor, San Francisco, CA 94111.

On September 29, 2008, I served the document(s) entitled, APPLICATION FOR WITHDRAWAL AND SUBSTITUTION OF NEW COUNSEL FOR PLAINTIFF AND (PROPOSED) ORDER, on the interested parties in this action by placing trust copies thereof enclosed in a sealed envelope(s) addressed as stated below:

**SEE ATTACHED SERVICE/MAILING LIST**

**(BY MAIL):** I deposited such envelope in the mail at San Francisco, California. The envelope was mailed with postage fully prepaid. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

**(BY FACSIMILE TRANSMISSION):** I caused a true copy thereof from sending facsimile machine telephone number 415-834-9070 to be sent via facsimile to the above listed names and facsimile numbers and received confirmed transmission reports indicating that this document was successfully transmitted to the parties named above.

**(VIA OVERNIGHT MAIL):** I deposit such envelope to be placed for collection and handling via UPS following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for UPS. On the same day that material is placed for collection, it is picked by UPS at San Francisco, California.

**(BY HAND DELIVERY):** I caused each such envelope(s) to be delivered by hand to the addressee(s) mentioned in the attached service/ mailing list.

**(BY ELECTRONIC MAIL)** By transmitting a true copy thereof to the electronic mail addresses as indicated below.

I declare under penalty of perjury under the laws of the United States that the above true and correct and was executed on September 29, 2008, at San Francisco, California.

  
ANNETTE DI GIOVANNI

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SERVICE/MAILING LIST**

Simmonds & Narita LLP v. Jeffrey Schreiber, et al.  
Case No. CV 08 2209 SI

**Attorney for Defendants Jeffrey Schreiber  
and Suzanne E. Schreiber**

Wallace Doolittle  
LAW OFFICES OF WALLACE DOOLITTLE  
1260 B Street, Suite 220  
Hayward, CA 94541  
T: 510-888-0600  
F: 510-888-0606  
Email: doolittle@doolittlelaw.com

**Attorney for Plaintiff Simmonds & Narita  
LLP**

Damien P. Lillis  
SMITH, LILLIS, PITHA LLP  
400 Montgomery Street, Suite 501  
San Francisco, CA 94104  
T: 415-814-0405  
F: 415-217-7011  
Email: dllillis@slplawfirm.com