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 18 Attorneys for Scott Cathcart, Plaintiff

11 IN THE UNITED STATES DISTRICT COURT FOR THE  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

15	SCOTT CATHCART,	)	
16	Plaintiff,	)	No. 3:08-cv-03784-WHA
17	v.	)	<b>MOTION TO WITHDRAW</b>
18	UNITED STATES OF AMERICA,	)	
19	Defendant.	)	

20 Pursuant to Civil Rule 11-5 of the Local Rules of the United States District Court for the  
 21 Northern District of California, Daniel B. Rosenbaum and Matthew C. Hicks of Caplin &  
 22 Drysdale and David P. Porter of Wood & Porter (collectively, “the attorneys”) resubmit their  
 23 motion to withdraw as counsel for the plaintiff in this action. In support of their motion, the  
 24 attorneys state the following

- 25 1. The attorneys have given Mr. Cathcart reasonable written notice of their intent to  
 26 withdraw, and he knowingly and freely assents to termination of their employment. *See Cal.*  
 27

28 Motion to Withdraw

1 Rule of Prof'l Conduct R. 3-700(C)(5) (counsel may withdraw if client knowingly and freely  
2 assents to termination of employment).

3 2. Mr. Cathcart has breached an agreement with the attorneys regarding expenses and  
4 fees. *See* Cal. Rule of Prof'l Conduct R. 3-700(C)(1)(f) (counsel may withdraw if client  
5 breaches an agreement or obligation to attorney as to expenses or fees).

6 3. Mr. Cathcart will not be prejudiced by the attorneys' withdrawal at this stage of the  
7 proceedings. The case is currently stayed during his bankruptcy, and the parties are not  
8 obligated to take any action until April 29, 2010, when the case management statement is due.

9 4. Mr. Cathcart intends to proceed *pro se* and would like papers to be served on him at the  
10 following address:

11 Scott D. Cathcart  
12 P.O. Box 484  
13 Ross, CA 94957

14 5. The attorneys have given counsel for the defendant reasonable written notice of their  
15 intent to withdraw, and the defendant does not object to their motion.

16 For these reasons, the attorneys respectfully ask the Court to grant the motion to withdraw.

17 Dated: February 19, 2010

18 /s/ Matthew C. Hicks  
19 DANIEL B. ROSENBAUM, *Pro Hac Vice*  
20 MATTHEW C. HICKS, *Pro Hac Vice*  
21 Caplin & Drysdale, Chartered  
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26 /s/ David B. Porter  
27 DAVID B. PORTER  
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333 Sacramento Street  
San Francisco, CA 94111  
Telephone: 415-834-0117

Motion to Withdraw

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

4 SCOTT CATHCART, )  
5 Plaintiff, )  
6 v. )  
7 UNITED STATES OF AMERICA, )  
8 Defendant. )

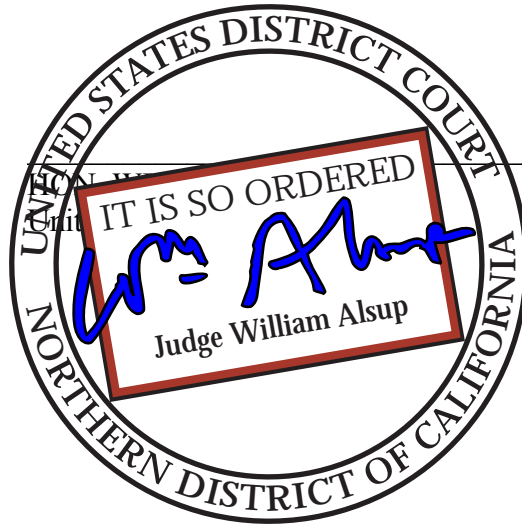
No. 3:08-cv-03784-WHA

**ORDER GRANTING  
MOTION TO WITHDRAW**

10 Daniel B. Rosenbaum and Matthew C. Hicks of Caplin & Drysdale and David P. Porter  
11 of Wood & Porter (collectively, "the attorneys") have moved to withdraw as counsel for the  
12 plaintiff in this action. Good cause having been shown, the Motion to Withdraw is  
13 GRANTED, and the representation of the plaintiff in this matter by Caplin & Drysdale and  
14 Wood & Porter is terminated.

16 **IT IS SO ORDERED.**

17 Date: ~~February~~, 2010.  
18 March 18



27 Motion to Withdraw  
28

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing *Motion to Withdraw* and the accompanying proposed order were served upon each of the following on February 19, 2010, by operation of the Court’s electronic case filing system or by first-class mail, postage prepaid:

Scott D. Cathcart  
P.O. Box 484  
Ross, CA 94957

Nathan E. Clukey  
U.S. Department of Justice  
Civil Tax Division  
Post Office Box 7238  
Washington, D.C. 20044

Dated: February 19, 2010

/s/ Matthew C. Hicks  
MATTHEW C. HICKS, *Pro Hac Vice*  
Caplin & Drysdale, Chartered  
One Thomas Circle, N.W., Suite 1100  
Washington, DC 20005  
Telephone: (202) 862-7852