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15 ATTORNEYS FOR PLAINTIFFS

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

19 SUSAN SIMON, individually and on behalf of
 20 a class of similarly situated individuals,
 21
 22 Plaintiff,
 23
 24 v.
 25 ADZILLA, INC. (NEW MEDIA), a Delaware
 26 corporation, *et al.*,
 27
 28 Defendants.

Case No.: 3:09-cv-00879-MMC

**MICHAEL J. ASCHENBRENER'S
 NOTICE OF MOTION AND MOTION
 TO WITHDRAW AS COUNSEL FOR
 PLAINTIFF; [PROPOSED] ORDER
 GRANTING MOTION TO WITHDRAW**

Date: February 26, 2010
 Time: 9:00 a.m.
 Judge: The Hon. Maxine M. Chesney

28 NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

Case No. 3:09-cv-00879-MMC

1 **NOTICE OF MOTION**

2 **TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that, on Friday, February 26, 2010, at 9:00 a.m., or as soon
4 thereafter as the matter may be heard before the Honorable Maxine M. Chesney, United States
5 District Judge, Courtroom 7, 19th Floor, of the United States District Court for the Northern
6 District of California, San Francisco Division, 450 Golden Gate Avenue, San Francisco,
7 California 94102, Michael J. Aschenbrenner, of Edelson McGuire, LLC, 350 North LaSalle Street,
8 Suite 1300, Chicago, Illinois 60654, shall and hereby does respectfully seek leave of this Court,
9 pursuant to LOCAL R. 11-5(a) and in compliance with CAL. R. PROF. CONDUCT 3-700, to withdraw
10 as counsel for Plaintiff Susan Simon.

11 **MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS**

12 Pursuant to LOCAL R. 11-5, Michael J. Aschenbrenner (“Movant”) hereby notifies the
13 parties and the Court of his intent to withdraw as counsel *pro hac vice* for Plaintiffs. Movant
14 states the following grounds for this notice and motion:

15 1. This Court granted Movant leave to appear *pro hac vice* in this action pursuant to
16 its June 10, 2009, Order.

17 2. Movant has represented Plaintiffs as part of his employment at KamberEdelson,
18 LLC (“KamberEdelson”). However, KamberEdelson, LLC has changed its name and no longer
19 represents any clients in this case. Scott A. Kamber and David Stampley, formerly of
20 KamberEdelson and now of the law firm KamberLaw, LLC are actively involved in Plaintiff’s
21 litigation. Joseph H. Malley, of the Law Office of Joseph H. Malley and David Parisi of Parisi
22 and Havens, LLP, also represent Plaintiff.

23 3. Movant’s withdrawal will not cause any prejudice or delay in this case. All parties
24 have counsel active in their representation, who will not require any additional time to review or
25 acclimate to the absence of Movant as counsel *pro hac vice*.

26 4. Given the insubstantial nature of this Motion, as well as the substantial burden to
27 all parties in travelling and attending a hearing on this Motion, Movant respectfully requests that

1 the Court waive oral argument.

2 THEREFORE, Movant Michael J. Aschenbrener respectfully requests that this Court
3 waive oral argument on this Motion, grant him leave to withdraw as counsel *pro hac vice* in the
4 above-captioned matter, and enter an order stating that Movant has so withdrawn.

5
6 Dated: January 15, 2010

Michael J. Aschenbrener
EDELSON MCGUIRE, LLC

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8 By: s/ Michael J. Aschenbrener
Attorney for Plaintiffs

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PROOF OF SERVICE

The undersigned certifies that, on January 15, 2010, he caused this document to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of filing to counsel of record for each party.

s/Michael J. Aschenbrener
Michael J. Aschenbrener

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 SUSAN SIMON, individually and on behalf of
20 a class of similarly situated individuals,

21 Plaintiff,

22 v.

23 ADZILLA, INC. (NEW MEDIA), a Delaware
24 corporation, *et al.*,

25 Defendants.

Case No.: 3:09-cv-00879-MMC

**[PROPOSED] ORDER GRANTING
MOTION TO WITHDRAW AS COUNSEL
FOR PLAINTIFF**

Date: February 26, 2010

Time: 9:00 a.m.

Judge: The Hon. Maxine M. Chesney

1 Michael J. Aschenbrener seeks to withdraw as counsel *pro hac vice* for Plaintiff in the
2 above-captioned litigation pursuant to LOCAL R. 11-5(a) and CAL. R. PROF. CONDUCT 3-
3 700(A)(1). As this Court finds that Mr. Aschenbrener has submitted satisfactory reasoning for
4 withdrawal, and that the granting of his Motion will not cause substantial prejudice or delay to any
5 party,

6 IT IS HEREBY ORDERED that Michael J. Aschenbrener's Motion to Withdraw as Counsel
7 for Plaintiff is GRANTED, and Michael J. Aschenbrener is hereby terminated as counsel *pro hac*
8 *vice* in this proceeding.

9
10 DATED: _____

By: _____
Hon. Maxine M. Chesney
United States District Court

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