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17 Attorneys for Plaintiffs

18 **IN THE UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 HAROLD SMALLEY, et al.,  
 21  
 22 Plaintiffs,  
 23  
 24 v.  
 25  
 26 HOME DEPOT U.S.A., INC.,  
 27  
 28 Defendant.

Case No. 3:11-cv-02951-JCS

**NOTICE OF WITHDRAWAL AND  
 SUBSTITUTION OF APPEARANCE OF  
 COUNSEL**

JUDGE: Hon. Joseph C. Spero  
 CRTRM: G - 15<sup>th</sup> Floor

1 TO THE CLERK OF THE COURT, ALL PARTIES AND THEIR ATTORNEY OF  
2 RECORD:

3 PLEASE TAKE NOTICE THAT Plaintiffs hereby substitute the following attorney as  
4 their counsel in place and stead of Mark J. Tamblyn and Ian J. Barlow of Wexler Wallace LLP,  
5 given they will no longer be affiliated with Wexler Wallace LLP, effective December 31, 2011:

6 Blake Muir Harper (State Bar No. 115756)  
7 HULETT HARPER STEWART LLP  
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11 Plaintiffs request that all pleadings, notices, orders, correspondence and other papers in  
12 connection with this action be served upon Hulett Harper Stewart LLP, as well as Squitieri &  
13 Fearon LLP who remain as counsel of record for Plaintiffs in this matter.

14 Plaintiffs further request that Mark J. Tamblyn and Ian J. Barlow be terminated as counsel  
15 in this matter.

16 DATED: December 16, 2011

HULETT HARPER STEWART LLP  
BLAKE MUIR HARPER

s/Blake Muir Harper  
BLAKE MUIR HARPER

21 Dated: 12/19/11



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Attorneys for Plaintiffs

**PROOF OF SERVICE**

*Smalley, et al. v. Home Depot USA, Inc.*

Case No. 3:11-cv-02951-JCS

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action. I am employed in the County of San Diego, State of California. My business address is: 525 B Street, Suite 760, San Diego, CA 92101.

That on December 16, 2011, I served the following document(s) entitled: **NOTICE OF WITHDRAWAL AND SUBSTITUTION OF APPEARANCE OF COUNSEL** on ALL INTERESTED PARTIES in this action:

**BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence, pleadings, and other matters for mailing with the United States Postal Service. The correspondence, pleadings and other matters are deposited with the United States Postal Service with postage thereon fully prepaid in San Diego, California, on the same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be contained in an overnight envelope and to be deposited in a **Federal Express/Overnite Express** box located at 525 B Street, Suite 760, San Diego, California, for delivery to the above address(es).

**BY FAX:** I transmitted a copy of the foregoing document(s) this date via telecopier to the facsimile numbers shown on the attached service list. The facsimile machine I used reported no error and I caused the machine to print a transmission record of the transmission.

**BY CM/ECF Electronic Service:** I caused such document to be served via the Court's (NEF) electronic filing system on all registered parties.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 16, 2011, at San Diego, California.

*s/Blake Muir Harper*  
BLAKE MUIR HARPER