

1 William R. Mitchell (SBN 101858)  
WILIAM R. MITCHELL, INC.  
2 31351 Rancho Viejo Road, Suite 202  
San Juan Capistrano, CA 92675  
3 Tel: 949-489-1251  
Fax: 949-489-1257  
4 Email: bill@wrmbizlaw.com

5  
6 Attorney for AMERICAN DEBT SERVICES and  
QUALITY SUPPORT SERVICES

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

11 HEATHER L. NEWTON, individually and on )  
behalf of others similarly situated, )

12 Plaintiff, )

13 vs. )

14 AMERICAN DEBT SERVICES, INC., a )  
California corporation; QUALITY SUPPORT )  
15 SERVICES, LLC, a California limited liability )  
company; GLOBAL CLIENT SOLUTIONS, )  
16 LLC; ROCKY MOUNTAIN BANK & )  
TRUST; and DOES 1-100, )

17 Defendants. )

Case No.: 3:11-cv-03228 EMC

Assigned for all purposes to:

**PROPOSED ORDER GRANTING  
DEFENDANT'S COUNSEL, WILLIAM R.  
MITCHELL FOR LOGAN RETOSKE, LLP  
TO APPEAR TELEPHONICALLY FOR  
MOTION TO WITHDRAW AS COUNSEL**

Hon. Edward M. Chen

Date: March 21, 2013

Hearing Time: 1:30 p.m.

Room: Courtroom 5, 17<sup>th</sup> Floor

Action filed: June 29, 2011

Trial date: None Set

20  
21 **PROPOSED ORDER**

22 THIS MOTION having been scheduled to be heard by the Court on March 21, 2013 at 1:30  
23 p.m. on Defendant's American Debt Services, Inc. and Quality Support Services, LLC Motion to  
24 Withdraw as Counsel for Defendant's. Defendant's COUNSEL requests to be heard  
25 telephonically for the above stated matter as this reasoning:

- 26 1. To save expense to client American Debt Services, Inc., including travel time and  
27 travel expenses; and  
28

**PROPOSED ORDER GRANTING DEFENDANT'S COUNSEL, WILLIAM R. MITCHELL FOR LOGAN  
RETOSKE, LLP TO APPEAR TELEPHONICALLY FOR MOTION TO WITHDRAW AS COUNSEL**

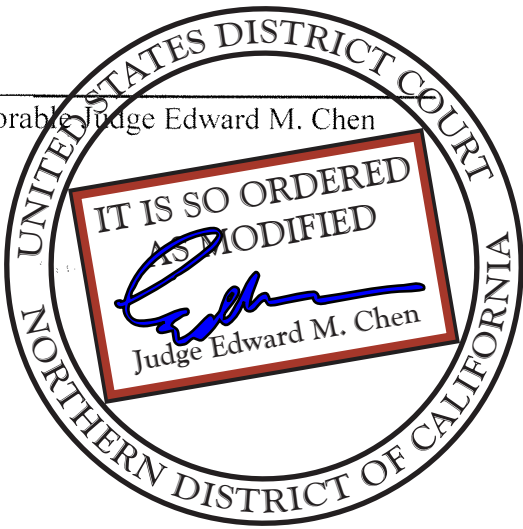
1           2. William R. Mitchell has a Deposition to attend for representation of a client for another  
2           case (Exhibit A) scheduled for 10:00 a.m. on March 21, 2013 in Irvine, CA.

3 It is ORDERED that:

4           Defendant's Counsel William R. Mitchell of Logan Retoske, LLP to appear telephonically  
5 for Motion to Withdraw as Counsel is GRANTED. The Court will call Mr. Mitchell at his office  
6           number between 1:30 and 3:30 p.m. on  
7           3/21/13.

7 DATED: March 18, 2013

8 By \_\_\_\_\_  
9 Honorable Judge Edward M. Chen



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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 COUNTY OF ORANGE )

4 I am employed in the County of Orange, State of California, I am over the age of 18 years and not  
5 a party to the within action; my business address is 31351 Rancho Viejo Rd, Suite 202, San Juan  
6 Capistrano, California 92675.

6 On March \_\_\_, 2013, I served the foregoing document described as:

7 **PROPOSED ORDER GRANTING DEFENDANT'S COUNSEL, WILLIAM R.**  
8 **MITCHELL FOR LOGAN RETOSKE, LLP TO APPEAR TELEPHONICALLY FOR**  
9 **MOTION TO WITHDRAW AS COUNSEL**

9 Said document was served on the interested party or parties in this action by placing a true copy  
10 thereof, enclosed in a sealed envelope, and addressed as noted below.

11 **See Attached Service List**

12  X  (By Mail) I am familiar with our firm's practice of collection and processing  
13 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal  
14 Service on that same day with postage thereon fully prepaid at San Juan Capistrano, California in  
15 the ordinary course of business. I am aware that on motion of the party served, service is  
16 presumed invalid if the postal cancellation date or postage meter date is more than one working  
17 day after the date of deposit for mailing in this declaration.

18 \_\_\_ (By Mail) I deposited such envelope in the mail at San Juan Capistrano, California. The  
19 envelope was mailed with postage thereon fully prepaid.

20 \_\_\_ (By Facsimile) In addition to regular mail, I sent this document via facsimile, number(s)  
21 as listed on the attached mailing list.

22 \_\_\_ (By Personal Service) Such envelope was delivered by hand to the below addressee.

23 \_\_\_ (By Overnight Mail) I arranged for such envelope was delivered to the following  
24 addresses by overnight mail.

25 I declare under penalty of perjury under the laws of the State of California that the above is  
26 true and correct.

27 Executed on March 14, 2013 at San Juan Capistrano, California.

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\_\_\_\_\_  
Sherri Traficante

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**SERVICE LIST**

American Debt Services, Inc.  
Eric Graziano  
610 Newport Center Drive  
Suite 210  
Newport Beach, CA 92660

8001 Irvine Center Drive,  
Suite 1200  
Irvine, CA 92618

Tavy A. Dumont  
LAW OFFICE OF TAVY A. DUMONT  
51 East Campbell Avenue, Suite 106-K  
Campbell, California 95008-2054

William E. Kennedy  
CONSUMER LAW OFFICE OF WILLIAM E. KENNEDY  
2797 Park Avenue, Suite 201  
Santa Clara, California 95050

Sarah Blanco, COO  
QUALITY SUPPORT SERVICES  
18400 Von Karman Ave.  
Ste. 1100  
Irvine, CA 92612-0517

Carlos Lopez, Manager  
QUALITY SUPPORT SERVICES  
18400 Von Karman Ave.  
Ste. 1100  
Irvine, CA 92612-0517

# EXHIBIT A

1 Michaela L. Sozio, Esq., SBN 179148  
2 Monica R. Dean, Esq., SBN 255372  
3 TRESSLER LLP  
4 1901 Avenue of the Stars, Suite 450  
5 Los Angeles, CA 90067  
6 Telephone: (310) 203-4800  
7 Facsimile: (310) 203-4850

8 Timothy D. Elliott, Esq. (*Pro Hac Vice Pending*)  
9 Gregory W. Jones, Esq. (*Pro Hac Vice Pending*)  
10 Emily A. Shupe, Esq. (*Pro Hac Vice Pending*)  
11 Kaitlyn Anne Wild, Esq. (*Pro Hac Vice Pending*)  
12 RATHJE & WOODWARD, LLC  
13 300 E. Roosevelt Road, Suite 300  
14 Wheaton, Illinois 60187  
15 Telephone: (630) 510-4910  
16 Facsimile: (630) 510-4931

17 Attorneys for Defendants LEGAL HELPERS DEBT  
18 RESOLUTION, LLC, THOMAS G. MACEY,  
19 JEFFERY J. ALEMAN, JEFFREY S. HYSLIP, and  
20 JASON E. SEARNS

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

155 JEM GROUP, INC., a Nevada corporation,  
156 and CDS CLIENT SERVICES, INC., a  
157 California corporation,

158 Plaintiffs,

159 vs.

160 LEGAL HELPERS DEBT  
161 RESOLUTION, LLC, a Nevada limited  
162 liability company a/k/a Law Offices of  
163 Macey, Aleman, Hyslip & Searns,  
164 THOMAS G. MACEY, JEFFREY J.  
165 ALEMAN, JEFFREY S. HYSLIP, JASON  
166 E. SEARNS, and DOES 1 through 10,  
167 inclusive,

168 Defendants.

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*AND RELATED CROSS ACTIONS*

CASE NO. 30-2012-00557471-CU-CO-CJC

**NOTICE OF TAKING THE DEPOSITION  
OF MARC PENSO**

[C.C.P. § 2025.010]

DATE: March 21, 2013

TIME: 10:00 a.m.

PLACE: Tressler LLP

18100 Von Karman, Suite 800

Irvine, CA 92612

Telephone: (949) 336-1200

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **NOTICE IS HEREBY GIVEN**, pursuant to California *Code of Civil Procedure*, § 2026.010  
3 (a), that Defendants/Cross-Complainants LEGAL HELPERS DEBT RESOLUTION, LLC will take  
4 deposition of MARC PENSO on March 21, 2013 at 10:00 a.m.

5 The deposition shall be taken upon oral examination before a certified shorthand reporter or  
6 other officer authorized to administer oaths who is present at Tressler, LLP, 18100 Von Karman,  
7 Suite 800, Irvine, CA 92612, telephone (949) 336-1200. The deposition shall continue day to day,  
8 except Saturdays, Sundays and holidays, until completed.

9 **NOTICE IS HEREBY FURTHER GIVEN**, pursuant to California *Code of Civil Procedure*,  
10 §§ 2025.220(a)(5), that Defendants will record the testimony by audio and video technology and use  
11 such audio and video recording at trial.

12

13 DATED: February 15, 2013

14

TRESSLER, LLP

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By: 

Michaela L. Sozio

Monica R. Dean

17

18

Attorneys for Defendants LEGAL HELPERS  
DEBT RESOLUTION, LLC, THOMAS G. MACEY,  
JEFFERY J. ALEMAN, JEFFREY S. HYSLIP, and  
JASON E. SEARNS

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**PROOF OF SERVICE**  
*JEM Group, Inc. vs. Legal Helpers Debt Resolution, LLC, et al.*  
OCSC Case No. 30-2012-00557471-CU-CO-CJC  
TSMP NO.: 10651-1

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 1901 Avenue of the Stars, Suite 450, Los Angeles, California 90067-6006. Upon this day, I served a copy of the attached **NOTICE OF TAKING THE DEPOSITION OF MARC PENSO** on all interested parties through their attorneys of record by placing a true and correct copy thereof in a sealed envelope addressed as follows:

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**BY ELECTRONIC SERVICE (E-MAIL):** I caused such documents to be delivered electronically by e-mail to the above e-mail addressee(s).

**VIA FIRST-CLASS MAIL (CCP §§ 1013, et seq.)** - I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it will be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of February, 2013, at Los Angeles, California.

  
Lis Espinoza

#126764 (10651-1)