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 3 Telephone: (310) 824-1777  
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 Attorneys for Defendant, CALIFORNIA IN  
 5 NICE, INC. dba NICE AIR

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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE**

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 11 HARUKO MIYATA, Individually, KEIGO  
 MIYATA, a Minor by his Guardian ad  
 12 Litem, and HARUKO and KEIGO MIYATA,  
 as Successors in Interest of the Estate of  
 13 YASUSHI MIYATA, Deceased,  
 14  
 Plaintiffs,  
 15 v.  
 16 CALIFORNIA IN NICE, INC., (d.b.a. NICE  
 AIR), and DOES 1 through 20, inclusive,  
 17  
 Defendants.  
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CASE NO. 5:09-CV-01148-PVT  
**NOTICE OF WITHDRAWAL OF  
 COUNSEL BY STIPULATION AND  
 [PROPOSED] ORDER**  
**[Local Rules 7-12 and 11-5]**  
 Action Filed: December 17, 2008  
 Trial Date: N/A

19  
 20 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

21 The Law Firm of Kern and Wooley LLP, counsel of record for defendant Nice Air, Inc.  
 22 in the captioned matter, hereby gives notice of its intention to withdraw as counsel in this  
 23 matter, upon approval of the Court.

24 New counsel for Nice Air, Inc. is attorney Randolph S. Hicks, Esq. of the law firm of  
 25 Coddington Hicks & Danforth, 555 Twin Dolphin Drive, Suite 300, Pacific Dolphin Plaza,  
 26 Redwood City, CA 94065-2133. Attorney Randolph Hicks will register with the court for e-  
 27 filing. All counsel are requested to include Mr. Hicks and his firm for service of all matter in  
 28 this case.

1 All counsel of record have been notified of this Notice of Motion to Withdraw. As  
2 evidenced by the signature of counsel below, the parties have no objection to the Notice to  
3 Withdraw, and also hereby stipulate that an Order may be entered on shortened time, and  
4 hereby waive notice requirements for a hearing on this motion.

5 Proof that this notice of motion has been served on Nice Air, Inc. is included with this  
6 motion.

7 **IT IS SO STIPULATED.**

8 DATED: September 24, 2005

KERN AND WOOLEY LLP

9 By:   
Peter T. Kirchen

10 Attorneys for Defendant CALIFORNIA IN  
11 NICE, INC. dba NICE AIR

12 DATED: September 24, 2009

MARSHALL – SUZUKI LAW GROUP

13 By:   
Edward S. Miyauchi

14 Attorneys for Plaintiffs HARUKO MIYATA,  
15 Individually, KEIGO MIYATA, a Minor by  
16 his Guardian ad Litem, and HARUKO and  
17 KEIGO MIYATA, as Successors in  
18 Interest of the Estate of YASUSHI  
MIYATA, Deceased

19 DATED: September \_\_\_\_\_, 2009


CODDINGTON HICKS & DANFORTH

20 By: \_\_\_\_\_  
21 Randolph S. Hicks.

22 Attorneys for Defendant CALIFORNIA IN  
23 NICE, INC. dba NICE AIR, INC.

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

25 DATED: 10/6/09

  
26 Hon. Jeremy D. Fogel,  
27 United States District Judge

1 All counsel of record have been notified of this Notice of Motion to Withdraw. As  
2 evidenced by the signature of counsel below, the parties have no objection to the Notice to  
3 Withdraw, and also hereby stipulate that an Order may be entered on shortened time, and  
4 hereby waive notice requirements for a hearing on this motion.

5 Proof that this notice of motion has been served on Nice Air, Inc. is included with this  
6 motion.

7 **IT IS SO STIPULATED.**

8 DATED: September \_\_\_\_, 2005

KERN AND WOOLEY LLP

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By: \_\_\_\_\_

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Peter T. Kirchen

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Attorneys for Defendant CALIFORNIA IN  
NICE, INC. dba NICE AIR

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13 DATED: September \_\_\_\_, 2009

MARSHALL – SUZUKI LAW GROUP

14

By: \_\_\_\_\_

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Edward S. Miyauchi

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Attorneys for Plaintiffs HARUKO MIYATA,  
Individually, KEIGO MIYATA, a Minor by  
his Guardian ad Litem, and HARUKO and  
KEIGO MIYATA, as Successors in  
Interest of the Estate of YASUSHI  
MIYATA, Deceased

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20 DATED: September 25, 2009

CODDINGTON HICKS & BANFORTH

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By:  \_\_\_\_\_

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Randolph S. Hicks

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Attorneys for Defendant CALIFORNIA IN  
NICE, INC. dba NICE AIR, INC.

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25 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

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27 DATED: \_\_\_\_\_

Hon. Jeremy D. Fogel,  
United States District Judge

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 11100 Santa Monica Boulevard, Los Angeles, California 90025.

On October 2, 2009, I served the following document(s) described as **NOTICE OF WITHDRAWAL OF COUNSEL** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:


**SEE ATTACHED LIST**

- BY MAIL:** I am readily familiar with Kern and Wooley's practice of collection and processing correspondence for mailing with the United States Postal Service. Under that practice it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. Such document(s) were placed for collection and mailing in a sealed envelope with postage thereon fully prepaid, at Los Angeles, California on this date following ordinary business practices.
- BY OVERNIGHT DELIVERY:** I caused the above-referenced document(s) to be delivered to an authorized courier, in a sealed enveloped or package designated by the overnight service courier, with fees pre-paid for next business-day delivery to the person(s) at the address(es) set forth herein.
- BY TWO-DAY EXPRESS DELIVERY:** I caused the above-referenced document(s) to be delivered to an authorized courier, in a sealed enveloped or package designated by the express service courier, with fees pre-paid for delivery on the second business day to the person(s) at the address(es) set forth herein.
- BY PERSONAL SERVICE:** I delivered such document(s) by hand to the person(s) at the address(es) set forth herein.
- BY FACSIMILE:** By or before 5:00 p.m., I caused said document(s) to be transmitted by facsimile. The number of the sending facsimile machine was (310) 824-0892. The name and facsimile machine number of the person(s) served are set forth herein. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.
- BY ELECTRONIC MAIL TRANSMISSION:** I caused a PDF format copy of said document(s) to be transmitted via electronic mail from awalter@kernwooley.com to the person(s) at the e-mail address(es) set forth herein. The transmission was reported as complete and without error.
- BY ELECTRONIC SUBMISSION:** per court order, I submitted said document(s) electronically to CM/ECF to be posted to the website, and notice was given to all parties that the document has been served.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 2, 2009, at Los Angeles, California.

  
\_\_\_\_\_  
Angela K. Walter

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**SERVICE LIST**

*Miyata, et al. v. California in Nice, Inc.*

**U.S. District Court  
California Northern District (San Jose)  
Case No. C09-01148**

Plaintiff

Representation

Haruko Miyata

**Edward S. Miyauchi, Esq.**  
Junji Suzuki, Esq.  
Shinichi M. Nozaki, Esq.  
Marshall – Suzuki Law Group  
150 Spear Street, Suite 725  
San Francisco, California 94105  
Facsimile: (415) 618-0190  
Email: [edward@marshallsuzuki.com](mailto:edward@marshallsuzuki.com)

Keigo Miyata  
*A minor by his Guardian ad Litem*

Edward S. Miyauchi, Esq.  
Marshall – Suzuki Law Group  
150 Spear Street, Suite 725  
San Francisco, California 94105  
Facsimile: (415) 618-0190

Mr. Hiro Takai, Director  
Nice Air, Inc.  
Reid-Hillview Airport  
2575 Robert Fowler Way  
San Jose, California 95148

Nice Air, Inc.

Randolph S. Hicks, Esq.  
Coddington Hicks & Danforth  
555 Twin Dolphin Drive, Suite 300  
Redwood City, CA 94065-2133

New Counsel for Nice Air, Inc.