

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 13-cv-00694-RPM

RANDALL SUBA,

Plaintiffs,

v.

TOYOTA MOTOR SALES, U.S.A, INCORPORATED (TMS),
TOYOTA MOTOR CORPORATION (TMC),
TOYOTA MOTOR NORTH AMERICA, INC., and
TOYOTA MOTOR ENGINEERING & MANUFACTURING NORTH AMERICA INC. ("TEMA"),

Defendants.

ORDER GRANTING MOTION TO WITHDRAW

A hearing was held today on the Motion to Withdraw as Counsel for the Plaintiff Randall Suba filed by Michael S. Burg, Reeves D. Whalen, Holly Baer Kammerer and Seth Alan Katz, with Mr. Katz and Mr. Whalen appearing on the motion, Edward C. Stewart appearing for the defendants and Randall Suba appearing as the Plaintiff. The Court explained to Mr. Suba its understanding of this case and the circumstances of the filing by Richard Casey on the evening of the day before expiration of the statute of limitations, a review of the hearing held on his motion to withdraw on March 28, 2013, the entry of appearance by present counsel and the oral status report by counsel to the Court on August 9, 2013. Mr. Suba explained at length the incident of September 27, 2010, the retention of the Calvert firm and his feeling that the system of justice has failed him and Ms. Hensen. The Court explained at length the professional obligations of counsel as officers of the court, including withdrawal from a case that has claims

which cannot be proven by competent evidence. Mr. Katz explained the efforts made to investigate the incident and the inability to determine the cause of the sudden acceleration and fire of the vehicle.

The Court gave further explanation to Mr. Suba who again expressed his frustration with the inability to obtain a day in court.

Having determined that counsel for Mr. Suba have fully investigated the case at their own expense and cannot in good faith pursue the claims in this case, it is

ORDERED that the motion to withdraw is granted and Michael S. Burg, Reeves D. Whalen, Seth Alan Katz and Holly Baer Kammerer have no further responsibility as counsel for the plaintiff in this action. It is

FURTHER ORDERED that Randall Suba shall have 30 days, to and including September 18, 2013, within which to obtain new counsel or indicate his readiness to proceed to represent himself without counsel, failing in which this civil action will be dismissed for failure to prosecute.

DATED: August 19th, 2013

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge