

In the United States Court of Federal Claims

No. 12-527 C

(Filed July 10, 2013)

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RQ SQUARED, LLC, \*

\*

Plaintiff, \*

\*

v. \*

\*

THE UNITED STATES, \*

\*

Defendant. \*

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**ORDER**

On June 26, 2013, pursuant to Rule 83(c)(6) of the Rules of the Court of Federal Claims (RCFC), plaintiff’s counsel filed a Motion for Leave to Withdraw as Counsel For Plaintiff in this matter. Plaintiff’s counsel, Brian C. Duffy, Esq., of Duffy & Young, LLC, states in his motion that plaintiff has refused to honor the terms of its fee agreement with the attorney of record and that “Counsel has communicated with RQ Squared regarding both its unpaid balance and Counsel’s intent to withdraw absent payment via e-mail and certified U.S. Mail. Redacted copies of said communications are attached as Exhibit A.” Mot. at 1. Although, the motion to withdraw did *not* contain the referenced exhibit, the motion does further state that a copy of the subject motion was served on RQ Square at their last known address, on June 26, 2013. Additionally, plaintiff’s counsel requests that the court allow RQ Squared thirty days from entry of the order of withdrawal within which to engage replacement counsel; and extend all deadlines until forty-five days following the appearance of replacement counsel. Although, defendant’s response to plaintiff’s motion is due to be filed on or before July 15, 2013, the court does not require any response from the government on this matter.

The court finds that plaintiff’s counsel has satisfied the requirements set forth in RCFC 83(c)(6) and shall grant plaintiff’s motion for leave to withdraw as counsel. The court shall stay all proceedings in this matter and RQ Square shall

move expeditiously to secure new counsel. RQ Square cannot appear in this court unless it is represented by counsel. See RCFC 83.1(c)(1); *Talasila, Inc. v. United States*, 240 F.3d 1064, 1066 (Fed. Cir. 2001) (holding that a corporation “must be represented by counsel in order to pursue its claim against the United States in the Court of Federal Claims”).

Accordingly, it is hereby **ORDERED** that

- (1) Plaintiff’s Counsel, Brian C. Duffy, Esq., Motion for Leave to Withdraw as Counsel is **GRANTED**;
- (2) The Clerk’s Office is directed to **SUSPEND** all proceedings in this matter until further order of the court; and
- (3) The Clerk’s Office is directed to **SERVE** a copy of this order, via Federal Express (two-day delivery) to plaintiff at the following address:

RQ Squared LLC  
620 Francis Street, Suite 220  
St. Joseph, MO 64501

- (4) Plaintiff shall **FILE** a **Motion to Substitute Counsel**, pursuant to RCFC 83.1(c)(4), on or before **August 15, 2013**.

s/Lynn J. Bush  
LYNN J. BUSH  
Judge