

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BLACKWELL PUBLISHING, INC., ELSEVIER, Case No. 07-12731
INC., OXFORD UNIVERSITY PRESS, INC.,
SAGE PUBLICATION, INC. and JOHN WILEY & Sons, INC., Honorable Avern Cohn

Plaintiffs,

v.

EXCEL RESEARCH GROUP, LLC d/b/a EXCEL
TEST PREPARATION, COURSEPACKS &
COPIES, and NORMAN MILLER, individually,

Defendants.

**BODMAN LLP'S MOTION TO
WITHDRAW AS COUNSEL FOR
DEFENDANTS AND SUPPORTING
BRIEF**

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Attorneys for Plaintiffs

Bodman LLP moves to withdraw as counsel for Defendants. In support of its motion,

Bodman LLP states:

1. Defendants have been provided a copy of this Motion to Withdraw as Counsel and have been advised that Bodman LLP seeks to withdraw as counsel for Defendants on this case. Defendants have consented to Bodman LLP withdrawing as counsel in this action.

2. Defendants were advised of Bodman LLP's requirements as to payment of professional fees at the onset of representation. Defendants have not honored their payment obligations to Bodman LLP.

3. In addition, there has been a breakdown in communication between Bodman LLP and Defendants such that representation of Defendants has become difficult.

4. Pursuant to Local Rule 7.1(a), Bodman LLP has sought the concurrence of Plaintiffs' counsel with the relief sought in this Motion to Withdraw as Counsel. Plaintiffs' counsel has advised Bodman LLP that Plaintiffs do not oppose this Motion to Withdraw as Counsel.

5. Plaintiffs will not be prejudiced by the Court granting this Motion to Withdraw as Counsel.

WHEREFORE, Bodman LLP requests that this Court grant its Motion to Withdraw as Counsel and enter an order permitting Bodman LLP to withdraw as counsel for Defendants.

BRIEF IN SUPPORT

Bodman LLP relies upon the averments as stated in its Motion to Withdraw as Counsel in support of the Motion. Defendants have been provided a copy of this Motion to Withdraw as Counsel and have been advised that Bodman LLP seeks to withdraw as counsel for Defendants on this case, and Defendants have consented to Bodman LLP withdrawing as counsel in this action. Defendants were advised of Bodman LLP 's requirements with regard to payment of professional fees at the onset of representation. Defendants have not honored their payment obligations to Bodman LLP. In addition, there has been a breakdown in communication between Bodman LLP and Defendants such that representation of Defendants has become difficult.

Pursuant to Local Rule 7.1(a), Bodman LLP has sought the concurrence of Plaintiffs' counsel with the relief sought in this Motion to Withdraw as Counsel. Plaintiff's counsel has advised Bodman LLP that Plaintiff will not oppose this Motion to Withdraw as Counsel. Further, Plaintiffs will not be prejudiced by the Court granting this Motion to Withdraw as Counsel. Withdrawal is appropriate under MRPC 1.16(b).

Bodman LLP requests that this Court grant its Motion to Withdraw as Counsel and enter the proposed order as attached hereto permitting Bodman LLP to withdraw as counsel for Defendants.

Respectfully submitted,

/s/ Alan N. Harris

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September 11, 2008

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Karl Fink, kfink@psedlaw.com; Amy C. Mainelli Burke, aburke@kcslegal.com; and William Strong, wstrong@kcslegal.com.

and by first class mail to:

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