

E-filed: November 18, 2011

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 Russell G. Gubler (10889)
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7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 TONY PEROULIS,)
)
 10 Plaintiff,)
)
 11 v.)
)
 12 PAUL KOZAK a/k/a ZACHARY
 KRISTON a/k/a ZACHARY KING, an
 13 individual, et al.,)
)
 14 Defendants.)

Case No.: 2:07-CV-284-JCM (CWH)

**MOTION TO WITHDRAW AS
 COUNSEL OF RECORD**

Hearing Date:
 Hearing Time:


MATTHEW L. JOHNSON & ASSOCIATES, P.C.
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 8831 WEST SAHARA
 LAS VEGAS, NEVADA 89117
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16 **NOW COMES**, Matthew L. Johnson, Esq. of the law firm of MATTHEW L.
 17 JOHNSON & ASSOCIATES, P.C. ("MLJ") and moves this Court for permission to withdraw
 18 as counsel of record for the Plaintiff, TONY PEROULIS.

19 This Motion is made and based upon the points and authorities below, the Affidavit of
 20 Matthew L. Johnson, all the pleadings and papers on file herein, and any arguments of counsel
 21 at the time of hearing.

22 DATED this 18th day of November, 2011.

23 MATTHEW L. JOHNSON & ASSOCIATES, P.C.

24 
 25 _____
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 Attorneys for Debtor

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POINTS AND AUTHORITIES

Matthew L. Johnson & Associates, P.C. is Entitled to Withdraw as Counsel as the Work for Which They Were Retained Has Been Completed.

Matthew L. Johnson & Associates, P.C. moves to withdraw as counsel for Debtor because the work for which MLJ was retained has been completed.

Nevada Supreme Court Rule 46 authorizes the an attorney to withdraw as counsel. The Rule states:

The attorney in an action of special proceeding may be changed at any time before a judgment or final determination as follows:

- (1) Upon consent of attorney, approved by the client;
- (2) Upon the order of the court of judge thereof on the application of the attorney of the client;
- (3) After judgment or final determination, an attorney may withdraw as attorney of record upon the attorney's filing of withdrawal, with or without the client's consent.

In this case, MLJ was hired to conduct debtor examinations related to the instant litigation. The debtor examinations have been concluded. Robert Spear remains as the attorney of record for the Plaintiff.

Thus, this office respectfully requests that the Court grant the instant request to withdraw from representation of Debtor.

DATED this 18th day of November, 2011.

MATTHEW L. JOHNSON & ASSOCIATES, P.C.



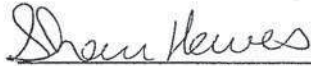
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Attorneys for the Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of November, 2011, I sent a true and correct copy of the foregoing MOTION TO WITHDRAW AS COUNSEL OF RECORD via electronic service to the following:

SEE MASTER SERVICE LIST



An Employee of Matthew L. Johnson & Associates, P.C.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: November 21, 2011

MATTHEW L. JOHNSON & ASSOCIATES, P.C.
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AFFIDAVIT OF MATTHEW L. JOHNSON

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STATE OF NEVADA)
COUNTY OF CLARK) SS:

MATTHEW L. JOHNSON, being first duly sworn, under oath and according to law, deposes and says:

1. I am an attorney, legally licensed to practice in the State of Nevada and before this Court, and the sole shareholder of the law firm of MATTHEW L. JOHNSON & ASSOCIATES, P.C.

2. Matthew L. Johnson & Associates was initially hired to conduct the debtor examinations for the Plaintiff. That work is now complete.

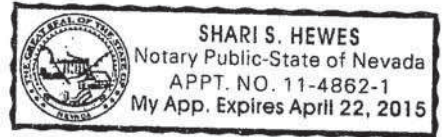
3. Matthew L. Johnson & Associates requests that its Motion to Withdraw as Counsel be granted. Robert Spears will remain as the attorney of record for the Plaintiff.

FURTHER AFFIANT SAYETH NAUGHT.

Matthew L. Johnson
MATTHEW L. JOHNSON

SWORN TO and SUBSCRIBED TO before me this 18th day of November, 2011.

Shari S. Hewes
NOTARY PUBLIC in and for said County and State



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