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6 Attorney for Defendant,
 7 *Michael "Rick" Allec*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 RIGHTHAVEN, LLC, a Nevada limited
 11 liability company,

12 Plaintiff,

13 v.

14 RICK ALLEC, an individual; and RX
 15 ADVERTISING INC., LLC, a limited-liability
 company of unknown origin,

16 Defendants.

Case No. 2:11-cv-00532

SECOND MOTION TO WITHDRAW

17 **SECOND MOTION TO WITHDRAW**

18 Movant, J. Malcolm DeVoy, respectfully moves for withdrawal of his appearance as
 19 counsel for defendant Michael "Rick" Allec in the above-captioned matter. A conflict has arisen
 20 between Defendant and the movant's law firm that falls within Rule 1.16(b) of the Nevada Rules
 21 of Professional Conduct, and the movant can no longer represent Defendant in this action.

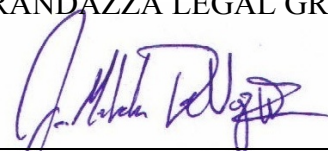
22 The Nevada Rules of Professional Conduct permit this withdrawal. Movant bases this
 23 motion on Rule 1.16(b), subsections 4 (fundamental disagreement), 5, 6 and 7. Under Rule
 24 1.16(b)(1), this withdrawal will not cause prejudice to the client, who does not have an
 25 immediate need for representation and, even following an adverse ruling on the pending Motion
 26 to Dismiss, will have time to retain alternate counsel. Accordingly, all conditions of Local Rule
 27 10-6(e) have been satisfied, as withdrawal will cause no delay in the case.

1 In accordance with Rule 1.16(d), the undersigned has already conferred with the Client
2 about this motion, provided notice of this motion's filing, and taken the steps to end
3 representation specified in that Rule, as applicable. Consistent with Local Rule 10-6(b), the
4 undersigned has provided the affected Client with ample notice of this motion, as it is the
5 consequence of protracted discussions; Client is fully informed of the movant's actions.
6 Furthermore, movant provided a copy of the original withdrawal motion (Doc. # 19) to the client
7 shortly after it was filed, and has provided a draft of this motion to the client in advance of its
8 filing, per Local Rule 10-6(b)'s requirements and the Court's recent order (Doc. # 20). Client is
9 aware of the undersigned's motions to withdraw from this matter, arising from movant's notice
10 to the Client. Furthermore, the undersigned has conferred with opposing counsel and provided
11 notice of his intent to file a motion to withdraw from the case, also required by Local Rule 10-
12 6(b). Plaintiff's counsel has represented that the Plaintiff does not object to his withdrawal.
13 Accordingly, the undersigned respectfully requests that the Court grant the instant motion.
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16 Dated: September 14, 2011

17 Respectfully Submitted,

18 RANDAZZA LEGAL GROUP

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J. Malcolm DeVoy IV

22 Attorney for Defendant,
23 *Michael "Rick" Allec*
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am a representative of Randazza Legal Group and that on this 14th day of September, 2011, I caused the document(s) titled:

to be served as follows:

by depositing same for mailing in the United States Mail, in a sealed envelope addressed to Steven A. Gibson, Esq., Righthaven, LLC, 9960 West Cheyenne Avenue, Suite 210, Las Vegas, Nevada, 89129-7701, upon which first class postage was fully prepaid; and/or

Pursuant to Fed. R. Civ. P. 5(b)(2)(D), to be sent via facsimile as indicated; and/or

to be hand-delivered;

by the Court's CM/ECF system.

/s/ J. Malcolm DeVoy

J. Malcolm DeVoy