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10 Attorneys for Plaintiff  
BENITA KLAIZNER

11 **UNITED STATES DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 BENITA KLAIZNER,

14 Plaintiff,

15 vs.

16 CHEESECAKE FACTORY RESTAURANTS,  
17 INC.; DOES 1 through 10, inclusive; and ROE  
CORPORATIONS I through V, inclusive;

18 Defendants.

19  
20 CASE NO.: 2:16-CV-01801-APG-PAL

21 **MOTION TO WITHDRAW AS  
CO-COUNSEL OF RECORD**

22 Aaron Heaton, co-counsel, on behalf of Plaintiff Benita Klaizner ("Plaintiff"), hereby  
23 requests to withdraw as co-counsel for Plaintiff in the above-entitled matter, and allow Todd L.  
24 Moody and Richard L. Wade of Hutchison & Steffen to proceed as counsel for the Plaintiff.

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1 Aaron Heaton further requests an order from the Court to be removed from the United States  
2 District Court for the District of Nevada's CM-ECF service list for Case No. 2:16-CV-01801-  
3 APG-PAL.

4 DATED this 6<sup>th</sup> day of July, 2017.

## HUTCHISON & STEFFEN, LLC

/s/ Todd L. Moody  
Todd L. Moody (5430)  
Richard L. Wade (11879)  
10080 West Alta Drive, Suite 200  
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## HEATON & ASSOCIATES

/s/ Aaron Heaton  
Aaron Heaton (11595)  
HEATON & ASSOCIATES  
8670 W. Cheyenne Ave., Suite 120  
Las Vegas, Nevada 89129  
[aaron@heatonlegal.com](mailto:aaron@heatonlegal.com)

Attorneys for Plaintiff  
**BENITA KLAIZNER**

21 Based upon the Motion to Withdraw (ECF No. 26), and the Errata (27) containing the  
22 signed affidavit of Aaron Heaton,

IT IS SO ORDERED this 12th day of July, 2017.

Peggy A. Leen  
Peggy A. Leen  
United States Magistrate Judge

**AFFIDAVIT OF AARON HEATON**

STATE OF NEVADA )  
: ss  
COUNTY OF CLARK )

AARON HEATON, being first duly sworn, deposes and says:

I.

That affiant is principal partner of the law firm of Heaton & Associates, and that said law firm and affiant were retained by Plaintiff, Benita Klaizner to represent her regarding a claim stemming from personal injuries sustained at the Cheesecake Factory in Las Vegas, Nevada, February 14, 2014.

II.

The claim could not be resolved, therefore, litigation was initiated in the Eighth Judicial District Court, District of Nevada on February 8, 2016. (Case No. A-16-731472-C.)

III.

Defendant, Cheesecake Factory filed a Notice of Removal, moving the case from Clark County District Court (“State Court”) to U.S. District Court, District of Nevada (“Federal Court”) on July 28, 2016, based upon diversity of citizenship (ECF 2).

IV.

A mutual decision was made by affiant and Plaintiff to associate the law firm of Hutchison & Steffen to litigate this matter on behalf of Plaintiff, based upon Hutchison & Steffen's litigation experience in Federal Court (ECF 10).

V<sub>3</sub>

I have not applied for admission to practice in Federal Court pursuant to LR IA 11-1, nor do I wish to do so at this time.

VI.

That your affiant respectfully requests that this Honorable Court issue an Order allowing affiant and affiant's law firm, Heaton & Associates, to withdraw as co-counsel of record for the above-named Plaintiff, and further requests that Aaron Heaton and Heaton & Associates be removed from the service list for Case No. 2:16-CV-01801-APG-PAL.

VII.

Representation for Plaintiff will continue by and through Todd L. Moody and Richard L. Wade of Hutchison & Steffen, which affiant knows to be currently doing business at: 10080 W. Alta Drive, Suite 200, Las Vegas, NV 89145, (702) 385-2500.

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AARON HEATON

## State of Nevada - County of Clark

Subscribed and sworn to before me

this day of July, 2017,

Aaron Heaton

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NOTARY PUBLIC in and for said  
County and State.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of July, 2017, the foregoing document entitled: MOTION TO WITHDRAW AS CO-COUNSEL OF RECORD served via electronic service through the United States District Court for the District of Nevada's ECF System upon each party in the case who is registered as an electronic case filing user with the Clerk.

/s/ Shaun L. Bruce  
An employee of Hutchison & Steffen, LLC