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9 Attorneys for Plaintiff
 10 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
**MOTION TO WITHDRAW AS
 CO-COUNSEL OF RECORD**

21 Aaron Heaton, co-counsel, on behalf of Plaintiff Benita Klaizner (“Plaintiff”), hereby
 22 requests to withdraw as co-counsel for Plaintiff in the above-entitled matter, and allow Todd L.
 23 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 6th day of July, 2017.

5 HUTCHISON & STEFFEN, LLC

6
7 /s/ Todd L. Moody

8 Todd L. Moody (5430)
9 Richard L. Wade (11879)
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16 HEATON & ASSOCIATES

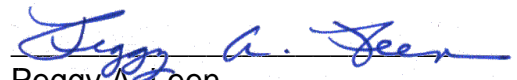
17 /s/ Aaron Heaton

18 Aaron Heaton (11595)
19 HEATON & ASSOCIATES
20 8670 W. Cheyenne Ave., Suite 120
21 Las Vegas, Nevada 89129
22 aaron@heatonlegal.com

23 Attorneys for Plaintiff
24 BENITA KLAIZNER

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

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

28

Peggy A. Leen
United States Magistrate Judge

AFFIDAVIT OF AARON HEATON

1
2 STATE OF NEVADA)
 : ss
3 COUNTY OF CLARK)

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

5 I.

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

10 II.

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

13 III.

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

17 IV.

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

21 V.

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

24 VI.

25 That your affiant respectfully requests that this Honorable Court issue an Order allowing
26 affiant and affiant's law firm, Heaton & Associates, to withdraw as co-counsel of record for the
27 above-named Plaintiff, and further requests that Aaron Heaton and Heaton & Associates be
28 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.

AARON HEATON

State of Nevada - County of Clark

Subscribed and sworn to before me

this ____ day of July, 2017,

Aaron Heaton.

NOTARY PUBLIC in and for said
County and Sate.

CERTIFICATE OF SERVICE

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I hereby certify that on the 6th day of July, 2017, the foregoing document entitled:
OTION 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