R. DUANE FRIZELL, ESQ. 1 Nevada Bar No. 9807 FRIZELL LAW FIRM 400 N. Stephanie St., Suite 265 Henderson, Nevada 89014 3 Office (702) 657-6000 Fax (702) 657-0065 4 DFrizell@FrizellLaw.com Current Attorney for Plaintiff 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 ROBERT NUNEZ RUIZ, an Individual; and 8 TERESA LYNN RUIZ, an Individual, 9 CASE NO: 2:17-cv-00944-RFB-CWH Plaintiffs, VS. 10 STEWART TITLE GUARANTY 11 COMPANY, a Texas Corporation; DOE DEFENDANTS 1 through 10; and 12 ROE ENTITIES 1 through 10, 13 Defendants. 14 EXPEDITED MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS 15 R. DUANE FRIZELL, ESQ. of the law firm FRIZELL LAW FIRM now files this 16 Expedited Motion to Withdraw as Counsel for Plaintiffs. In this connection, counsel moves this 17 Honorable Court for an order allowing him and his firm to withdraw as counsel of record for 18 Plaintiffs ROBERT NUNEZ RUIZ and TERESA LYNN RUIZ. In support of this Motion, 19 counsel would show the Court as follows: 20 POINTS AND AUTHORITIES 21 Local Rule IA 10-6(b) provides that, "[n]o attorney may withdraw after appearing in a 22 case except by leave of court after notice served on the affected client and opposing counsel." In 23 this matter, attorney R. Duane Frizell, Esq. and his respective law firm are seeking permission 24 from this Court to withdraw as counsel for the Plaintiffs. 25 Counsel is seeking to withdraw because Plaintiffs and counsel have mutually and 26 amicably agreed to end their attorney-client relationship. Plaintiffs have instructed counsel to 27 take no further action in this matter whatsoever. Counsel has provided Plaintiffs with a copy of 28

the Court's most recent scheduling order and explained the deadlines set forth therein. (See

1	Stipulation and Order to Extend Discovery Deadlines (Second Request) (filed Dec. 28, 2017)
2	[Doc. 16]).
3	Plaintiffs have been informed that counsel will be filing this Motion, and they have
4	consented to it. Plaintiffs have further consented, in connection with this case, that their contact
5	information be disclosed as follows:
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7	ROBERT RUIZ buckydad@gmail.com
8	TERESA RUIZ 680 Ventana Cir.
9	Mesquite, NV 89027 Phone: 808-896-7289
10	Prione: 808-890-7289
11	Plaintiffs have also consented that, going forward, the above information may be used for
12	contacting them and serving them with pleadings and papers in this action.
13	WHEREFORE, R. DUANE FRIZELL, ESQ., and the FRIZELL LAW FIRM request the
14	Court as follows:
15	1. to grant their Expedited Motion to Withdraw as Counsel for Plaintiffs;
16	2. to consider this Motion on an expedited basis;
17	3. to grant them leave to withdraw and to issue an order allowing them to withdraw
18	as attorneys of record for Plaintiffs; and
19	4. to grant them all such other relief to which they may be entitled at law or in
20	equity.
21	DATED: <u>January 11, 2018</u> .
22	FRIZELL LAW FIRM
23	Den /// Dugue Trigall
24	By: <u>/s/ R. Duane Frizell</u> R. DUANE FRIZELL, ESQ.
25	Nevada Bar No. 9807 Current Attorney for Plaintiffs
26	IT IS ORDERED that R. Duane Frizell's Expedited Motion to Withdraw as
27	Counsel for Plaintiffs (ECF No. 17) is GRANTED. IT IS FURTHER ORDERED that Mr. Frizell must serve a copy of this order on plaintiffs and file proof of that
28	service by 1/19/2018. IT IS FURTHER ORDERED that the clerk of court must update the docket with plaintiffs' contact information as stated on page 2 of
	DATED: January 12, 2018
	DATED. January 12, 2010

UNITED STATES MAGISTRATE JUDGE

## **VERIFICATION BY DECLARATION**

I, R. DUANE FRIZELL, ESQ., hereby declare as follows: I am and have been the attorney for the Plaintiffs in this action since its inception, and therefore have personal knowledge of the proceedings in this action since that time; I am over 18 years old, have never been convicted of a felony, and am fully competent to make this Declaration; I am making this Declaration upon my personal knowledge, to the best of my recollection; all of the factual statements set forth in the foregoing EXPEDITED MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS are true and correct, to the best of my recollection; I make this Declaration under the penalty of perjury of the laws of the United States and the State of Nevada; and I make this Declaration in Henderson, Nevada.

\_/s/R. Duane Frizell January 11, 2018 R. DUANE FRIZELL, ESQ. Date

## **CERTIFICATE OF SERVICE**

1 I hereby certify that I am a citizen of the United States and am employed in Clark 2 County, Nevada, where this mailing occurs. I am over the age of eighteen years and not a party 3 to the within entitled action; my business address is 400 N. Stephanie St. Suite 265, Henderson, Nevada 89014. 4 On January 11, 2018, I served the foregoing document(s) described as **EXPEDITED** 5 MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS, together with any and all exhibits and other attachments, on interested party(ies) in this action as follows: 6 7 DOUGLAS D. GERRARD, ESQ.\* **ROBERT RUIZ\*\*** 8 JOHN M. LANGEVELD, ESO.\* buckydad@gmail.com GERARD, COX & LARSEN TERESA RUIZ 2450 St. Rose Parkway, Suite 200 680 Ventana Cir. Henderson, Nevada 89074 Mesquite, NV 89027 10 Phone: 808-896-7289 Attorneys for Defendants 11 **Plaintiffs** 12 X\_ BY REGULAR U.S. MAIL: For all those above, I served a true copy, together 13 with any and all exhibits and other attachments, by U.S. Mail in a sealed envelope with first-class postage fully pre-paid addressed to the designated 14 recipients of said document(s) as provided under Federal Rules of Civil 15 Procedure. 16 X BY ELECTRONIC SERVICE: To the individuals marked with a single asterisk (\*) above, I also served a true copy electronically, together with any all 17 exhibits and other attachments, on designated recipients via the Court's CM/ECF 18 electronic filing system as provided under Federal Rules of Civil Procedure and local rules and orders. 19 X BY ELECTRONIC MAIL: To the individuals marked with a double asterisk 20 (\*\*) above, I also served a true copy, together with any and all exhibits and attachments, via electronic mail by attaching same and sending them to 21 recipient(s) identified above at the listed email address(es). 22 23 \_/s/ Aigin Niw\_\_\_ 24 AIQIN NIÙ 25 An Employee of Frizell Law Firm

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