KRISTINA PFAFF-HARRIS and FRED G WRIGHT, individually and on behalf of all others similarly situated, Plaintiffs, v. PROGRESSIVE DIRECT INSURANCE COMPANY and PROGRESSIVE NORTHERN INSURANCE COMPANY, Ohio corporations, Defendants. Defendants. Case No.: 2:24-cv-00761-RFB-NJK MOTION TO WITHDRAW AS COUNSEL MOTION TO WITHDRAW AS COUNSEL PROGRESSIVE NORTHERN INSURANCE COMPANY, Ohio corporations, Defendants.	1 2 3 4 5 6 7 8 9		DISTRICT COURT FOR ICT OF NEVADA
23 24 25 26 27 28	12 13 14 15 16 17 18 19 20 21	G WRIGHT, individually and on behalf of all others similarly situated, Plaintiffs, v. PROGRESSIVE DIRECT INSURANCE COMPANY and PROGRESSIVE NORTHERN INSURANCE COMPANY, Ohio corporations,	
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MOTION TO WITHDRAW AS COUNSEL		MOTION TO WIT	THDRAW AS COUNSEL

COMES NOW, Gregg A. Hubley, Esq. and Christopher A.J. Swift, Esq., on behalf of Jeffrey D. Kaliel, Esq., of the law firm KALIELGOLD PLLC, hereby moves this Honorable Court for an Order allowing the law firm KALIELGOLD PLLC to withdraw as attorney of record for Plaintiffs Kristina Pfaff-Harris and Fred G. Wright ("Plaintiffs").

This Motion is made and based upon the following Memorandum of Points and Authorities, and the Declaration of Jeffrey D. Kaliel, attached hereto.

MEMORANDUM OF POINTS AND AUTHORITIES

- 1. This lawsuit was filed on April 19, 2024. Dkt. 1.
- 2. The lawsuit lists Jeffrey D. Kaliel of KALIELGOLD PLLC (the "KG Attorney") as an attorney of record on the complaint.
- 3. Listing the KG Attorney as counsel for Plaintiffs in this lawsuit was error, because the KG Attorney does not and has never represented Plaintiffs in this matter.
- 4. The KG Attorney was not notified that the complaint lists him as counsel of record at the time the lawsuit was filed.
- 5. The KG Attorney first became aware that he was listed as counsel of record on or about April 25, 2024, when he received copy by mail of an April 23, 2024 Notice to Counsel Pursuant to Local Rule IA 11-2.
- 6. Nevada Supreme Court Rule ("SCR") 46 provides that an attorney may withdraw "at any time before judgment or final determination ... upon the order of the court or judge thereof on the application of the attorney..." Pursuant to SCR 166, an attorney may be permitted to withdraw if withdrawal can be accomplished without adversely affecting the interests of the client, or if good cause exists for terminating the representation.
- 7. Local Rule IA 11-6(a) allows for an attorney to withdraw with leave of court after notice of the intent to withdraw is served. Plaintiffs' Counsel, Carney Bates & Pulliam PLLC, has notified Plaintiffs that KALIELGOLD PLLC is seeking withdrawal.
- 8. Local Rule IA 11-6(e) provides that, except for good cause, withdrawal will not be granted if a delay in discovery, the trial or any hearing will result.

1	<u>ORDER</u>
2	IT IS THEREFORE ORDERED that Jeffrey D. Kaliel of KALIELGOLD PLLC be
3	allowed to withdraw as Counsel of record, for Kristina Pfaff-Harris and Fred G. Wright.
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5	IT IS SO ORDERED.
6	Dated: May 8, 2024
7	United States Magistrate Judge
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DECLARATION OF JEFFREY D. KALIEL IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

I, JEFFREY D. KALIEL, declare under penalty of perjury under the laws of the United States, as follows:

- 1. I am an attorney licensed to practice law in the State of California and am a Partner of the law firm of KALIELGOLD PLLC. The facts set forth in this declaration are known to me personally, or are based upon my information and belief, and if called to do so, I would competently testify under oath regarding the same.
- 2. I make this declaration in support of KALIELGOLD PLLC's motion to withdraw as counsel of record and removal from CM/ECF service list for Plaintiffs.
 - 3. This lawsuit was filed on April 19, 2024.
- 4. The lawsuit lists myself, Jeffrey D. Kaliel, as an attorney of record on the complaint.
- 5. Listing myself as counsel in this lawsuit was error, because I do not and have never represented Plaintiffs in this matter.
- 6. I was not notified that the complaint lists me as counsel of record at the time the lawsuit was filed.
- 7. I first became aware that I was listed as counsel of record on or about April 25, 2024, when I received copy by post mail of an April 23, 2024 Notice to Counsel Pursuant to Local Rule IA 11-2.
- 8. KALIELGOLD PLLC has not been retained by Plaintiffs to represent them in the above-captioned matter.
- 9. Since this matter is in its inception and the Complaint has not been served, there will be no delay by permitting withdrawal.
- 10. Further, permitting withdrawal will not adversely affect the interest of the clients as the law firms of ARIAS SANGUINETTI WANG & TEAM LLP, SHAMIS & GENTILE, P.A., EDELSBERG LAW, P.A., CARNEY BATES & PULLIAM, PLLC, NORMAND PLLC, and JACOBSON PHILLIPS PLLC are not seeking withdrawal as counsel of record in this matter.

1	11. Accordingly, by this motion, I respectfully request the withdrawal of
2	KALIELGOLD PLLC as counsel of record. This Motion is brought in good faith and not for
3	purposes of any delay.
4	I declare under penalty of perjury under the laws of the State of Nevada that the foregoing
5	is true and correct.
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7	DATED this 7 th day of May 2024.
8	By: /s/ Jeffrey D. Kaliel
9	Jeffrey D. Kaliel
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	MOTION TO WITHDRAW AS COUNSEL