

June 24, 2016

Direct Tel: 212-612-3279
Direct Fax: 212-612-3297
E-mail: mark.raskin@mishcon.com

BY CM/ECF AND HAND DELIVERY

Hon. Richard J. Sullivan
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007-1312

Re: *Capitol Records LLC v. ReDigi Inc., et al.* (12 Civ. 00095) (RJS)

Hon. Judge Sullivan,

Mishcon de Reya New York LLP is currently counsel of record for ReDigi Inc. (“ReDigi”), John Ossenmacher, and Larry Rudolph (“Defendants”) in the above-referenced action. We request a pre-motion conference pursuant to 2.A of Your Honor’s Individual Practices in anticipation of our motion to withdraw as Defendants’ counsel in this action (or alternatively for leave to file our motion to withdraw without a pre-motion conference). We also request permission to file the motion under seal for *in camera* review and consideration.

We submit that our Firm has satisfactory reasons for withdrawal under Local Civil Rule 1.4. The general basis for the motion is that withdrawal is appropriate based on NY Rules of Prof. Con. Rule 1.16(b)(3) (without cause) and 1.16(c)(1), (5) and (10). While we would typically provide a detailed basis for our motion in this letter, including citations to authority and a brief overview, we request that the Court allow us to file our motion to withdraw, and the accompanying declaration and memorandum of law, under seal for in camera review and consideration, with copies served on Defendants but not any other parties, in order to preserve the confidentiality of the attorney-client relationship. *See e.g. Thekke v. LaserSculpt, Inc.*, No. 11 Civ. 4426(HB)(JLC), 2012 WL 225924, at *3 (S.D.N.Y. Jan. 23, 2012) (granting motion to withdraw upon in camera review, explaining: “documents in support of motions to withdraw as counsel are routinely filed under seal where necessary to preserve the confidentiality of the attorney-client relationship between a party and its counsel, and ... this method is viewed favorably by the courts”) (internal quotations omitted) (quoting *Team Obsolete Ltd. v. A.HR.MA. Ltd.*, 464 F.Supp.2d 164, 165-66 (E.D.N.Y. 2006)); *Weinberger v. Provident Life & Cas. Ins. Co.*, No. 97 Civ. 9262(JGK), 1998 WL 898309, at *1 (S.D.N.Y. Dec. 23, 1998) (“it is appropriate for a Court considering a counsel's motion to withdraw to consider in camera

submissions in order to prevent a party from being prejudiced by the application of counsel to withdraw”).

In the event that the Court does not grant our request to file our motion to withdraw as counsel without a pre-motion conference, we would respectfully request that the Court hold an expedited *in camera* pre-motion conference.

Thank you for Your Honor’s time and consideration in this matter. We are available at the Court’s convenience.

Respectfully submitted,

/s/ Mark S. Raskin

Mark S. Raskin

cc: All Counsel (by email)