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Capitol Records, LLC v. ReDigi, Inc.
June 22, 2016

Doc. 230

VIA ECF AND ELECTRONIC MAIL

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:

As you are aware, my firm Adelman Matz P.C., is currently counsel of record for Defendant ReDigi Inc. ("ReDigi") in the above-referenced action. Pursuant to 2.A of Your Honor's Individual Practices, we are writing to respectfully request a pre-motion conference in anticipation of filing a motion to withdraw as ReDigi's counsel in this action, or for leave to file our motion to withdraw as counsel without a pre-motion conference. Additionally we are respectfully requesting that we be allowed to file the motion under seal for *in camera* review and consideration.

We respectfully 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) and (5). Although generally we would set forth the basis for the anticipated motion in more detail in this letter, including citations to authority and a brief overview, in order to preserve the confidentiality of the attorney-client relationship, we are respectfully requesting that the Court allow our motion to withdraw, and the accompanying declaration and memorandum of law, to be filed under seal for *in camera* review and consideration, with copies served on ReDigi but not any other parties. *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.H.R.M.A. 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)

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("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.

We greatly appreciate Your Honor's time and consideration in this matter, and should the Court need any further information we are available at the Court's convenience.

Respectfully Submitted,

ADELMAN MATZ P.C.

A handwritten signature in black ink, appearing to read 'SM' with a stylized flourish.

Sarah M. Matz, Esq.

Cc: *Via ECF and Simultaneous E-Mail*
Counsel of Record

Via Simultaneous E-mail
ReDigi Inc. (John Ossenmacher john@ReDigi.com; Larry Rudolph larry@redigi.com)