

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HYPERPHRASE TECHNOLOGIES,
LLC., and HYPERPHRASE, INC.,,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

ORDER

06-cv-199-bbc

In response to a motion from plaintiff's counsel to withdraw as counsel for plaintiffs and an objection from defendant to granting the motion of plaintiffs' counsel, I held two telephone hearings on September 22, 2009. At the first hearing, which was ex parte and included counsel Raymond Niro, Sally Wiggins and Jennifer Amundsen, I heard from plaintiffs' counsel about the reasons for their request for leave to withdraw as counsel for plaintiffs. Essentially, plaintiffs' owner has been emotionally unable to respond to any emails or telephone calls from plaintiffs' counsel. He sees his business as ruined and he is experiencing serious family problems. He does not believe that he can assist counsel in any way in responding to any requests for discovery or orders from the court. After hearing from

counsel, I informed them that I believed it was necessary to hold a second hearing to allow defendant's counsel to be heard on its objections to the motion to withdraw as counsel. Accordingly, a second telephone conference was held later in the same day. At this conference, the same persons appeared on behalf of plaintiffs and Jason Wolff participated on behalf of defendant.

After Mr. Niro explained the reasons for counsel's request to withdraw, Mr. Wolff stated that he would have to talk to his client before he could advise the court and opposing counsel whether defendant would still oppose the motion to withdraw. I gave Mr. Wolff until September 28, 2009, in which to advise the court and plaintiffs' counsel whether defendant still opposes withdrawal. If defendant does not oppose withdrawal, I will grant the motion filed by plaintiffs' counsel to withdraw. If it does object and has a good reason for doing so, I will give plaintiffs' counsel until October 5, 2009, in which to reply. Also, if primary counsel for plaintiffs are allowed to withdraw, local counsel will be allowed to withdraw as well.

Furthermore, Mr. Niro agreed to provide defendant's counsel the information he has on the whereabouts of plaintiffs' owner.

Entered this 24th day of September, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge