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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

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LIBERTY MEDIA HOLDINGS, LLC.,

Plaintiff,

vs.

COLORADO MEMBERS OF SWARM

Defendants.

COUNSEL CHRISTINA E.  
SAUNDERS MOTION TO  
WITHDRAWAL AS  
ATTORNEY OF RECORD  
FOR DEFENDANT JASON  
FREDIN

1:11-cv-01171-WYD-KMT

Magistrate Judge Kathleen M. Tafoya

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Comes now, Christina E. Saunders, Attorney of Record (“Counsel”), for Jason Fredin (“Defendant”), and respectfully requests that this Court issue an Order permitting Counsel to withdrawal from representing Defendant in the above captioned matter.

**LEGAL AUTHORITY**

Pursuant to D.C.COLO.LCivR 83. (D), an “[a]ttorney who has appeared in a case may seek to withdraw on motion showing good cause. Withdrawal shall be effective only on court order entered after service of the notice of withdrawal on all counsel of record and on the withdrawing attorney’s client. A motion to withdraw must state the

reasons for withdrawal unless the statement would violate the rules of professional conduct.”

### **GROUND FOR WITHDRAWAL**

In accordance with D.C. COLO. LCivR 83(D), Counsel provides the following grounds as good cause, and respectfully requests that this Court enter an Order permitting Counsel to withdrawal as the Attorney of Record for Defendant:

1. Counsel and Defendant have come to a material conflict regarding Counsel’s reasonable attorney’s fees, which cannot be resolved.
2. Counsel’s continued representation of Defendant would cause an unreasonable financial burden on Counsel.
3. On or about March 28, 2012, Defendant contacted and retained counsel Franklin Miner (Nebraska Bar #21983) for purposes of filing Chapter 7 Bankruptcy.
4. Defendant is currently in the process of collecting and compiling financial information requisite to filing his petition for bankruptcy, and has indicating to Counsel that he will in-fact file as soon as information is compiled.
5. Defendant has assured Counsel that his filing for Chapter 7 Bankruptcy is imminent and will happen in the proceeding weeks.
6. As a result of Defendant’s imminent Bankruptcy filing, Counsel will become a creditor of Defendant, and an adversary to Defendant; consequently, a material conflict of interest has arisen, which prevents Counsel from continuing to represent Defendant in the above captioned matter, without violating the Professional Rules of Conduct.

7. Defendant has expressly consented to Counsel's withdrawal in the above captioned matter.
8. Due to the early stage of the case, Counsel's withdrawal would not cause any material adverse affect on Defendant or prejudice his case in any way.
9. Counsel has informed Defendant that upon an this Court entering an Order permitting Counsel to withdrawal, that Defendant is personally responsible for complying with all Orders of this Court, and time limitations established by any applicable rules.
10. Defendant is not a corporation, partnership, or other legal entity.

**CONCLUSION**

WHEREFORE, Christina E. Saunders, Counsel for Defendant Jason Fredin respectfully requests that this Court enter an Order permitting Counsel to withdrawal as Attorney of Record, in the above captioned case.

DATED 2<sup>nd</sup> Day of April, 2012.



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ATTORNEY FOR DEFENDANT JASON  
FERDIN

**PROOF OF SERVICE**

I hereby certify that the foregoing document was served on counsel for Plaintiff, Andrew John Contiguglia, Contiguglia & Fazzino, PC, 44 Cook Street, Suite 100, Denver, CO 80206, and perfected on all other interested parties, via the CM/ECF system on April 2, 2012.



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