

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

LIBERTY MEDIA HOLDINGS, LLC)	
)	
<i>Plaintiff,</i>)	CIVIL ACTION
)	CASE NO. 1:11-cv-11789(FDS)
v.)	
)	MOTION TO WITHDRAW
RYAN FRAGA)	
)	
<i>Defendant.</i>)	
)	

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

Timothy Cornell, counsel for Defendant Ryan Fraga in the above-captioned matter, respectfully requests this Court issue an order permitting withdrawal as attorney of record for the Defendant.

On August 21, 2012, Mr. Fraga filed a motion to proceed with the case pro se, citing my lack of filing, on strategic and legal grounds, a certain Reply to the Plaintiff’s Opposition to the Defendant’s Motion to Dismiss. Docket Nos. 36, 38. Mr. Fraga filed his motion to proceed pro se on his own without notice and without discussing the matter first with counsel. Mr. Fraga’s filing demonstrates that the relationship is now fractured and, as well, Mr. Fraga’s own willingness to terminate representation. Despite repeated telephone calls and electronic messages attempting to communicate and indicating my intention to withdraw, Mr. Fraga has not responded, nor to date has he paid any of the legal fees he agreed to pay in exchange for legal

services. As this action is now in the discovery phase with a Motion to Dismiss pending, withdrawal will not have a material adverse effect on Mr. Fraga.

Local Rule 83.5.2(c) requires that, unless notice to withdraw is preceded or accompanied by notice of appearance of other counsel, an attorney may only withdraw from a case by leave of the court. An attorney's motion to permissively withdraw is left to the sound discretion of the trial court. *Andrews v. Bechtel Power Corp.*, 780 F.2d 124, 135 (1st Cir. 1985). Given the absence of this required notice of appearance of other counsel, counsel accordingly requests that the Court grant leave for counsel to withdraw as attorney of record for Mr. Fraga.

Respectfully submitted,

/s/ Timothy Cornell

Boston, Massachusetts
August 21, 2012

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For Defendant Ryan Fraga

Certificate of Service

I, Timothy Cornell, hereby certify that on this 21st day of August 2012, I served the within Motion to Withdraw, by causing a copy thereof to be sent electronically to the registered participants in this case, as identified on the Notice of Electronic Filing.

/s/ Timothy Cornell