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10 Attorneys for Defendants
11 *Vote for the Worst, LLC,*
12 *Nathan E. Palmer,*
and David J. Della Terza

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 RIGHTHAVEN, LLC, a Nevada limited liability
16 company,

Case No. 2:10-cv-01045-KJD-GWF

17 Plaintiff,

**MOTION TO WITHDRAW AS
COUNSEL OF RECORD**

18 vs.

19 VOTE FOR THE WORST, LLC, an Utah
20 limited-liability company; NATHAN E.
PALMER, an individual; and DAVID J. DELLA
21 TERZA, an individual,

22 Defendant.

23 Pursuant to Local Rule IA 10-6, Lewis and Roca LLP respectfully moves this Court for an
24 order permitting Lewis and Roca to withdraw as counsel for Defendants in this case. This motion
25 is supported by the following memorandum of points and authorities and the accompanying
26 Declaration of Nikkya Williams (“Williams Decl.).

27 **MEMORANDUM OF POINTS AND AUTHORITIES**

28 Local Rule IA 10-6(b) states: “no attorney may withdraw after appearing in a case except

1 by leave of court after notice served on the affected client and opposing counsel.” Defendants
2 have agreed to Lewis and Roca’s withdrawal and, thus, have received notice of Lewis and Roca’s
3 intent to withdraw. (Williams Decl. ¶¶ 4-5.)

4 Plaintiff’s counsel in this case will receive notice of this Motion to Withdraw via the
5 CM/ECF system, pursuant to the certificate of service attached herein. Additionally, Local Rule
6 IA 10-6 (e) provides that "no withdrawal... shall be approved if delay of discovery, the trial or any
7 hearing in the case would result." Here, no delay of any kind will result from Lewis and Roca’s
8 withdrawal because Defendants are represented in this matter by J. Malcom DeVoy and Marc
9 Randazza of Randazza Legal Group, who have previously appeared before this Court. (Williams
10 Decl. ¶ 3; Docs. 22 and 26.) Lewis and Roca has worked with Mr. DeVoy and Mr. Randazza as
11 co-counsel in this matter for the past six months and they are well aware of and up to speed on all
12 aspects of this case. (Williams Decl. ¶ 6.) Lewis and Roca's withdrawal will not prejudice either
13 party or delay any proceeding in this matter. Given Defendants’ limited resources, it is in
14 Defendants’ best interest to be represented by only one firm, rather than two.

15 Dated: this 19th day of April, 2011.

16 Respectfully submitted,

17 LEWIS AND ROCA LLP

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19 By: /s/ Nikkya G. Williams

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26 *Attorneys for Defendants Vote for the Worst,*
27 *LLC, NATHAN E. PALMER, and DAVID J.*
28 *DELLA TERZA*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee of
3 Lewis and Roca LLP and that on this 19th day of April, 2011, I caused documents entitled:

- 4 • LEWIS AND ROCA LLP'S MOTION TO WITHDRAW AS COUNSEL
5 CONFERENCE and
6 • DECLARATION OF NIKKYA G. WILLIAMS IN SUPPORT OF LEWIS AND
7 ROCA LLP'S MOTION TO WITHDRAW AS COUNSEL CONFERENCE

8 to be served as follows:

- 9 [] by depositing same for mailing in the United States Mail, in a sealed envelope
10 addressed to Steven A. Gibson, Esq., Righthaven, LLC, 9960 West Cheyenne
11 Avenue, Suite 210, Las Vegas, Nevada, 89129-7701, upon which first class postage
12 was fully prepaid; and/or
13 [] Pursuant to Fed. R. Civ. P. 5(b)(2)(D), to be sent via facsimile as indicated; and/or
14 [] to be hand-delivered;
15 [X] by the Court's CM/ECF system.

16 /s/ Judith A. Vienneau
17 An employee of Lewis and Roca LLP
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