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

14 RIGHTHAVEN LLC, a Nevada limited-
liability company,

15 Plaintiff,

16 vs.

17 PAHRUMP LIFE, an entity of unknown origin
18 and nature; MAREN SCACCIA, an individual; and
MICHAEL SCACCIA, an individual,

19 Defendants.
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Case No.: 2:10-cv-01575-JCM-PAL

**MOTION AND PROPOSED ORDER TO
WITHDRAW AS COUNSEL OF
RECORD**

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22 Pursuant to Local Rule IA 10-6, S.C.R 46, and N.R.P.C. 1.16 (b)(1) and (7), Dale Cendali,
23 Esq. respectfully moves this court for an order permitting Dale Cendali, Esq. (“Ms. Cendali”), who
24 has appeared in these proceedings, to withdraw as counsel for Righthaven LLC (“Righthaven”), in
25 the above captioned matter. This Motion is based upon the Memorandum of Points and Authorities
26 submitted herein, the Declaration of Dale Cendali, Esq., attached hereto, the pleadings and papers on
27 file herein, and any argument adduced at the hearing of this Motion to Withdraw as Counsel of
28 Record.

MEMORANDUM OF POINTS AND AUTHORITIES

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Kirkland & Ellis LLP and Ms. Cendali were retained by Righthaven LLC to represent the company in the above-captioned matter solely in connection with the Court’s April 27, 2011 Order to Show Cause why the case should not be dismissed for lack of standing (Dkt. 21), which has been completed. While the complaint was filed on September 14, 2010, Ms. Cendali of Kirkland & Ellis did not petition to appear *pro hac vice* until May 4, 2011 (Dkt. 22), after the Court’s Order to Show Cause issued. Co-counsel Shawn Mangano was to handle all other aspects of the case, including the day-to-day running of the case, and continues to be counsel of record for Righthaven. Briefing and oral argument for the Order to Show Cause was completed in July 2011. At that point, Ms. Cendali was told by Righthaven that her job was done and that Mr. Mangano would handle the rest of the case.

Save for the initial retainer provided by Righthaven, Righthaven has not paid any of the legal fees due to Kirkland & Ellis. Neither Ms. Cendali nor Kirkland & Ellis has done any work for Righthaven since August 2011.

Local Rule IA 10-6 (b) provides that “No attorney may withdraw after appearing in a case except by leave of Court after notice has been served on the affected client and opposing counsel.” Righthaven has received notice of Kirkland & Ellis and Ms. Cendali’s intent to withdraw from this case and has consented to the withdrawal. Additionally, opposing counsel in this case will receive notice of this Motion to Withdraw via the CM/ECF system, pursuant to the certificate of service attached herein.

Local Rule IA 10-6 (e) provides that “no withdrawal... shall be approved if delay of discovery, the trial or any hearing in the case would result.” Here, no delay will result from Ms. Cendali’s withdrawal because Righthaven is represented in this matter by Shawn Mangano. In addition, there is no pending discovery, trial or hearing that would be delayed by Ms. Cendali’s withdrawal. Ms. Cendali’s withdrawal will not prejudice any party or delay any proceeding in this matter.

CONCLUSION

For the reasons set forth above, Ms. Cendali respectfully moves this Court to enter an order approving the withdrawal of Ms. Cendali as a representing attorney for Righthaven in the instant matter.

Dated this 21st day of March, 2012.

By: /s/ Dale M. Cendali
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IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that on this 21st day of March, 2012, I caused the foregoing document to be served by the Court's CM/ECF system on all counsel of record.

By: /s/ Dale M. Cendali
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