

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

| | |
|-----------------------------------|---|
| COMMERICAL CONNECT, LLC |) |
| |) |
| |) |
| Plaintiff |) |
| |) |
| VS. |) |
| |) |
| |) |
| INTERNET CORPORATION FOR ASSIGNED |) |
| NAMES AND NUMBERS |) |
| |) |
| Defendant |) |
| |) |
| |) |
| |) |
| AND |) |
| |) |
| INTERNATIONAL CENTRE FOR DISPUTE |) |
| RESOLUTION |) |
| |) |
| Defendant |) |
| |) |
| |) |
| |) |

CASE NO:

*** **

**MOTION TO WITHDRAW
AS COUNSEL**

Comes the counsel for Commercial Connect, LLC and moves the Court to permit him to withdraw as counsel of record pursuant to LR 83.6 for the following reasons:

1. Commercial Connect retained Counsel to represent it in December, 2015.
2. Counsel filed a complaint and motion for a temporary restraining order on behalf

of Commercial Connect with the Western District of Kentucky on January 6, 2016.

3. Since the filing date, Commercial Connect has expressed a desire to pursue a legal course of action with which Counsel has a fundamental disagreement. *See SCR 1.16(b)(4)*.¹ Specifically, Commercial Connect desires to continue with a strategic approach despite opposing counsel's presentation of an alleged release/waiver executed by Commercial Connect in 2012. The document in question was buried among thousands and thousands of documents on a USB drive. Given the truncated timeline provided by the client, Counsel could not have discovered the document in question in his pre-filing investigation.

4. Commercial Connect desired course of action has rendered continued representation unreasonably difficult. *See SCR 1.16(b)(6)*.²

5. In addition, a substantial breakdown in communication between Counsel and Commercial Connect has occurred, thereby preventing any meaningful continuation of the attorney-client relationship. *See SCR 1.16(b)(7)*.³

6. As indicated on the certificate of service, Counsel has served a copy of this notice and motion on Commercial Connect on January 18, 2016.

7. Counsel asks this Court to stay the time for filing an answer thirty (30) days so that Commercial Connect may have a reasonable of time to retain substitute counsel.

WHEREFORE, Counsel respectfully moves this Court to issue an order (attached):

A. Permitting Paul R. Schurman, Jr. to withdraw as counsel, and

¹“(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if: ... (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement[.]” SCR 1.16(b)(4).

²“(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if: ... (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client[.]” SCR 1.16(b)(6).

(7) other good cause for withdrawal exists.

³“(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if: ... (7) other good cause for withdrawal exists.” SCR 1.16(b)(7).

B. To stay the time for filing an answer for thirty (30) days.

Respectfully submitted,

/s/ Paul R. Schurman, Jr.
Paul R. Schurman, Jr.
Avery & Schurman, PLC
115 N. Watterson Trail, Suite 101
Louisville, Kentucky 40243
(502) 244-8099

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was on this 18th day of January, 2016, was sent by U.S. Mail, first-class postage prepaid, and electronic-mail to the following non-CM/ECF participant, addressed as follows:

Commercial Connect, LLC
c/o Jeff Smith, CEO
1418 South 3rd Street
Louisville, Kentucky 40208

I further certify that a courtesy copy of the foregoing was on this 18th day of January, 2016, was sent by electronic mail to the following:

Eric P. Enson
Jones Day
555 South Flower Street, 15th Floor
Los Angeles, California 90071-2300
epenson@jonesday.com

/s/ Paul R. Schurman, Jr.
Paul R. Schurman, Jr.
Counsel for Commercial Connect, LLC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

| | | |
|-----------------------------------|---|----------|
| COMMERICAL CONNECT, LLC |) | |
| |) | |
| VS. |) | |
| |) | |
| INTERNET CORPORATION FOR ASSIGNED |) | |
| NAMES AND NUMBERS |) | CASE NO: |
| |) | |
| AND |) | |
| |) | |
| INTERNATIONAL CENTRE FOR DISPUTE |) | |
| RESOLUTION |) | |

ORDER

IT IS HEREBY ORDERED that Paul R. Schurman, Jr. has withdrawn as counsel of record on behalf of Commercial Connect, LLC.

IT IS FURTHER ORDERED that the time for filing an answer is stayed for thirty (30) days from the issuance of this order so that the Plaintiff may retain substitute counsel.

SO ORDERED:

JUDGE: WESTERN DISTRICT OF KENTUCKY

DATE:_____

Tendered by:

/s/ Paul R. Schurman, Jr.
Paul R. Schurman, Jr.
Avery & Schurman, PLC
115 N. Watterson Trail, Suite 101
Louisville, Kentucky 40243
(502) 244-8099