

1 JOHN FRIEDEMANN, P.C. (#3607)
5103 E. Thomas Road
2 Phoenix, Arizona 85018
(602) 840-0314
3 e-mail: john@friedeman.com
Attorney for Exeter Trinity Properties

4 **IN THE UNITED STATES DISTRICT COURT**
5 **DISTRICT OF ARIZONA**

7 UNITED STATES OF AMERICA, 8 Plaintiffs, 9 vs. 10 JOSEPH J. LIPARI, EILEEN H. LIPARI and EXETER TRINITY PROPERTIES, 11 L.L.C., 12 Defendants.	No. 3:10-CV-08142 JWS MOTION WITHDRAW <i>EX PARTE</i> Honorable John W. Sedwick
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13 John Friedeman requests that he be permitted to withdraw as attorney of record for
14 Defendant Exeter Trinity Properties, LLC., pursuant to Local Civil Rule 83.3. This Motion is
15 supported by the written approval of the client, who has signed below. A proposed form of
16 Order is attached as an exhibit.

17 The reason for this withdrawal is that Mr. Friedeman's outstanding fees, which exceed
18 \$26,000, far exceed the resources of the Defendant and it would be unfair to require him to
19 devote additional time to this case. Mr. Friedeman is a sole practitioner and cannot afford to
20 devote additional uncompensated time to this case. When Mr. Friedeman appeared, Exeter
21 agreed that he would not be asked to participate past motions for summary judgment.

22 The address and telephone of the Defendant are: c/o Terry Major
23 P.O. Box 2125
Cottonwood 86326
24 1001 S. 6th St.
928-634-7023

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1 While this Motion was being drafted, the undersigned received notice that trial has
2 been set for February 2013. The following comments are intended to comply with Local
3 Civil Rule 83.3(b)(3):

4 (A) No new attorney has agreed to represent Exeter in this case. However, it is also
5 anticipated that Exeter will no longer be involved in this case because Exeter recently
6 filed a Motion to Substitute another entity to replace it as a party defendant. Exeter
7 has transferred title to the subject real property to that entity, which effectively
8 terminates Exeter's role in this case. Accordingly, there should not be a need for
9 Exeter to be further represented.

10 However, with eight months to prepare, it is believed that the defendants will have
11 more than ample opportunity to prepare for trial and/or retain new counsel.

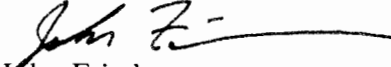
12 (B) The undersigned cannot afford to represent Exeter any further. The loss of
13 \$25,000 in fees is a crushing blow and the undersigned should not be required to
14 increase that loss.

15 This Motion is supported by the consent of Exeter, which is attached hereto.

16 Also attached hereto is a proposed form of Order.
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1 Dated: June 21, 2012.

2 RESPECTFULLY SUBMITTED,

3 
4 John Friedeman
5 5103 E. Thomas Road
6 Phoenix, AZ 85018

7 CLIENT CONSENT

8 Exeter Trinity Properties, LLC, hereby consents to the withdrawal of John
9 Friedeman as attorney of record, effective immediately. This document is signed by Elmer P.
10 Vild, as Trustee of the Golden Kiwi Trust, which is authorized to execute this document as a
11 member of Exeter Trinity Properties, LLC.

12 Dated: June 21, 2012.

13 
14 Exeter Trinity Properties, LLC
15 By: its Member Golden Kiwi Trust
16 By: its Trustee Elmer P. Vild

17 JOHN FRIEDEMANN, P.C.
18 5103 East Thomas Road
19 Phoenix, Arizona 85018-7914
20 (602) 840-0314
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this June 26, 2012, I electronically filed the foregoing with the Clerk of Court and served the following attorney of record using the CM/ECF system:

Charles M. Duffy
P.O. Box 683
Ben Franklin Station
Washington, D.C. 20044-0683

I further certify that on the same day I mailed by U.S. Postal Service the foregoing to the following party who is not represented by counsel.

Joseph Lipari
156 Johnson Hill Drive
Waynesville, NC 28786
Defendant, pro per


John Friedeman

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(602) 840-0314

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7 UNITED STATES OF AMERICA, 8 Plaintiffs, 9 vs. 10 JOSEPH J. LIPARI, EILEEN H. LIPARI and EXETER TRINITY PROPERTIES, 11 L.L.C., 12 Defendants.	No. 3:10-CV-08142 JWS ORDER GRANTING WITHDRAWAL OF ATTORNEY <i>EX PARTE</i> Honorable John W. Sedwick
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13 Upon the Motion of the Defendant, and good cause appearing.

14 IT IS ORDERED:

15 John Friedeman is ordered withdrawn as attorney of record for Defendant
16 Exeter Trinity Properties, L.L.C., effective upon the entry of this Order.

17 Mr. Friedeman shall give prompt notice of the entry of this Order, together with
18 the name, last known residence and last known telephone number of Exeter Trinity
19 Properties, L.L.C., to all other parties or their attorneys.

20 Dated: _____, 2012.

21 _____
22 Honorable John W. Sedwick
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