Docket #0023 Date Filed: 3/13/2017

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re:	Chapter 11 Cases
TELEXFREE, LLC TELEXFREE, INC. TELEXFREE FINANCIAL, INC., Debtors,	14-40987-MSH 14-40988-MSH 14-40989-MSH Jointly Administered
STEPHEN DARR, AS HE IS TRUSTEE OF THE CHAPTER 11 ESTATES OF EACH OF THE DEBTORS Plaintiff,	Adversary Proceeding No. 16-04025
v.	
GERALD P. NEHRA, NEHRA & WAAK Defendant	

SEYFARTH SHAW LLP AND WILLIAM J. HANLON'S MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR DEFENDANT

Pursuant to Massachusetts Local Bankruptcy Rule 9010-3 and Massachusetts Rules of Professional Conduct Rule 1.16(a)(3),[1] William J. Hanlon and Seyfarth Shaw LLP ("Counsel"), attorney for Defendants Gerald P. Nehra and Law Offices of Nehra & Waak ("Defendants"), hereby requests leave to withdraw as counsel of record for Defendants. In support of its motion, Counsel states as follows:

[1] Massachusetts Rules of Professional Conduct 1.16(a)(3) states that an attorney shall withdraw from representing a client if the lawyer is discharged.

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1. Pursuant to MLBR 9010-3, which is substantially similar to District Court Local Rule 83.5.2, an attorney may withdraw from a case by serving a notice of his withdrawal on his client and all other parties, provided that: (1) such notice is preceded or accompanied by notice of the appearance of other counsel; (2) there are no motions pending before the court; (3) no trial date has been set; and (4) no hearings or conferences are scheduled, and no reports, oral or written, are due. *Thomas & Betts Corp. v. New Albertson's Inc.*, No. 1:10-CV-11947, 2013 WL 7118025, at *2 (D. Mass. Dec. 4, 2013). "If these requirements are not met, an attorney may withdraw only with leave of the court." *Brown v. Philip Morris Inc*., 291 F. Supp. 2d 3, 5 (D. Mass. 2003). "In the usual course, this court would likely grant such a motion." *Id*.

2. Counsel requires leave of court to withdraw because no other counsel has appeared for Defendants and the parties' Rule 26(f) report is due. The time to file the report had previously been extended by the Court pending the resolution of criminal charges against the Telexfree defendants.

3. No trial dates have been set.

4. No hearings or conferences are scheduled, and aside from the Rule 26(f) report, no reports, oral or written, are due.

5. Mr. Nehra's deposition, previously noticed by the Trustee, has been continued at Counsel's request.

6. Defendants directed Counsel to withdraw.

7. Under these circumstances, withdrawal can be accomplished without material adverse effect on the interests of the Defendants. "In considering a motion to withdraw, a court may consider: (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to the litigants; (3) the delay in the resolution of the case which would result from withdrawal;

and (4) the effect of withdrawal in the efficient administration of justice." *Thomas & Betts Corp.*, at *2. "The professional relationship, as well as the decision to dissolve it, must be guided, and in some instances is governed by, the court's rules of professional conduct and by the canons and rules of the legal profession applicable to members of the Bar admitted to practice before the court." *Hammond v. T.J. Litle & Co.*, 809 F. Supp. 156, 159 (D. Mass. 1992).

WHEREFORE, Counsel respectfully requests that this Court enter an order:

(a) permitting Seyfarth and William J. Hanlon to withdraw as counsel; and

(b) granting such other and further relief as is just and equitable.

DATED: March 13, 2017

Respectfully submitted,

/s/ William J. Hanlon

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