K. Todd Phillips State Bar No. 24002767 Wick Phillips, LLP 500 N. Akard Street, Suite 2100 Dallas, Texas 75201 (214) 692-6200 telephone (214) 692-6255 facsimile

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

MICHAEL J. QUILLING, RECEIVER	§	
FOR SARDAUKAR HOLDINGS, IBC AND	§	
BRADLEY C. STARK,	§	CASE NO. 3:05-CV-2122-H
	§	
Plaintiff,	§	
	§	ECF
v.	§	
	§	
JEFFREY MARC SCHONSKY	§	
	§	
Defendant.	§	

# **MOTION TO WITHDRAW**

Pursuant to Local Rules 7.1 and 83.12 of the United States District Court for the Northern District of Texas, Wick Phillips, LLP, counsel for Defendant Jeffrey Marc Schonsky ("Defendant"), hereby files this Motion to Withdraw as Counsel, and as cause therefore, would respectfully show the Court as follows:

I.

### **GROUNDS FOR MOTION**

Defendant retained Wick Phillips, LLP ("Wick Phillips") to represent him in this proceeding. However, Defendant has failed to comply with the terms of his engagement agreement with Wick Phillips, notably, by being unable to remit payment for invoices for services rendered. Good cause exists for the withdrawal of Wick Phillips as Defendant's

counsel because Wick Phillips would be harmed by having to expend time, resources, and money continuing to represent Defendant where it would not be compensated. Further, Defendant would not be prejudiced by this withdrawal because the remaining deadlines in this matter are months from now, giving Defendant adequate time to secure new counsel. This withdrawal is not sought for purposes of delay.

Defendant Jeffrey Marc Schonsky's address is 65-20 Booth Street, Apartment 3-L, Rego Park, New York 11374. His telephone number is (917) 691-3676. At present, Defendant has not retained new counsel.

II.

#### REQUEST FOR RELIEF

WHEREFORE, Wick Phillips, LLP respectfully requests that this Honorable

Court grant the foregoing Motion and enter an order approving the withdrawal of Wick

Phillips, LLP as counsel of record for Defendant.

Respectfully submitted this Zonday of July, 2006,

K. Todd Phillips

State Bar No. 24002767

WICK PHILLIPS, LLP

500 N. Akard Street, Suite 2100

Dallas, Texas 75201

Telephone: (214) 692-6200

Facsimile: (214) 692-6255

COUNSEL FOR DEFENDANT

Approved pursuant to Local Rule 83.12:

\_(see attached)
Jeffrey Marc Schonsky

### **CERTIFICATE OF CONFERENCE**

I hereby certify that on July 18, 2006, my office conferred with counsel for Michael J. Quilling, Receiver, regarding the substance of the foregoing Motion. Mr. Quilling is unopposed to the relief sought herein.

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2006, a copy of the foregoing Motion was submitted to Michael J. Quilling, Receiver via ECF and U.S. Mail, in accordance with the Federal Rules of Civil Procedure.

K. Todd Phillips

Approved pursuant to Local Rule 83.12:

Jeffrey Marc Schonsky
CERTIFICATE OF CONFERENCE
I hereby certify that on June, 2006, I conferred with Michael J. Quilling
Receiver, regarding the substance of the foregoing Motion. Mr. Quilling opposes/is
unopposed to the relief sought herein.
K. Todd Phillips

# **CERTIFICATE OF SERVICE**

I hereby certify that on June \_\_\_\_, 2006, a copy of the foregoing Motion was submitted to Michael J. Quilling, Receiver via ECF and U.S. Mail, in accordance with the Federal Rules of Civil Procedure.

K. Todd Phillips