

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT H. BRAVER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-05-210 T
)	
NEWPORT INTERNET MARKETING)	
CORPORATION, and ROBERT ALAN)	
SOLOWAY,)	
)	
Defendants.)	

**MOTION TO WITHDRAW AND FOR
EXTENSION OF TIME FOR DEFENDANTS TO SECURE NEW COUNSEL**

Michael D. McClintock, Esq., Blake Sonne, Esq., and McAfee & Taft A Professional Corporation (collectively “Movant”), moves the Court to allow Movant to withdraw as counsel in this matter and for the Court to extend the deadline for the defendants, Newport Internet Marketing Corporation and Robert Alan Soloway (“Defendants”), to answer or otherwise plead to the Plaintiff’s First Amended Complaint, for forty-five (45) days to allow Defendants to find new counsel, for the transfer of files to Defendants’ new counsel, and for Defendants’ new counsel to properly assume the representation of Defendants. In support of this Motion, Movant submits the following:

1. On December 21, 2004, Plaintiff filed its initial Petition in Oklahoma state court.
2. On February 22, 2005, Defendants removed the case to this Court pursuant to 28 U.S.C. § 1441.
3. Subsequent to removal, counsel for the parties conferred and Plaintiff indicated an intention to file a Second Amended Complaint adding new parties and new claims, to which Defendants had no objection. Accordingly, it was agreed by the parties that Defendants would not file an answer or otherwise plead to Plaintiff’s First Amended Complaint but rather await Plaintiff’s Second Amended Complaint and answer or otherwise plead in the time allowed under the Federal Rules of Civil Procedure.

4. Several weeks ago, counsel for Plaintiff informed Defendants and Movant that it would not be filing a Second Amended Complaint, and it was agreed that Defendants would file an answer or otherwise plead to Plaintiff's First Amended Complaint on or before May 18, 2005.

5. On May 18, 2005, Movant terminated its representation of Defendants. A forty-five (45) day extension of Defendants' deadline to answer or otherwise plead to Plaintiff's First Amended Complaint is necessary to allow Defendants to secure new counsel, for the transfer of files, and for Defendants' new counsel to become familiar with the facts of the case.

6. Plaintiff will not be prejudiced by a forty-five (45) day stay of this proceeding. Initial disclosures under Fed. R. Civ. P. 26 have not been exchanged, no scheduling order has been entered in this case, and no depositions have been scheduled or taken.

7. Counsel of Plaintiff and Defendants has conferred and Plaintiff has no objection to Movant's withdrawal or the requested forty-five (45) day extension.

8. A proposed order is submitted herewith.

WHEREFORE, Movant respectfully moves that it be allowed to withdraw from this action, and for the Court to extend the deadline for Defendants to answer or otherwise plead to Plaintiff's First Amended Complaint for forty-five (45) days from the date of withdrawal to allow Defendants to secure new counsel, for the transfer of files to Defendants' new counsel, and for Defendants' new counsel to properly assume the representation of Defendants.

Respectfully submitted this 20th day of May, 2005.



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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2005, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Michael R. McKee
McKee Lawfirm
P.O. Box 1351
Norman, OK 73070

and on this 20th day of May, 2005, the foregoing Motion to Withdraw and for Extension of Time was sent via facsimile, e-mail and via Federal Express, to:

Mr. Robert A. Soloway
Newport Internet Marketing
1200 Western Ave. #17-E
Seattle, WA 98101
VIA FACSIMILE (503) 213-6416
AND EMAIL nim@cyberservices.com
AND FEDERAL EXPRESS


