

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GREGORY GREENE, et al.,)	
)	
Plaintiffs,)	Case No. 1:14-cv-01437
)	
v.)	Judge Gary Feinerman
)	
MTGOX INC., et al.,)	
)	
Defendants.)	

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
FOR DEFENDANTS MARK KARPELES AND TIBANNE KK**

Eric N. Macey, Richard G. Douglass and Amanda M.H. Wolfman (collectively, “Movants”), hereby move this Court, pursuant to Local Rules 83.17 and 83.50 of the United States District Court for the Northern District of Illinois, for entry of an order granting Movants leave to withdraw as counsel of record for Defendants Mark Karpeles and Tibanne KK (collectively, “Defendants”). In support of this Motion, Movants state as follows:

1. Movants and the law firm of Novack and Macey LLP (the “Firm”) have represented Defendants in this matter from April 2014 to the present.

2. Movants and the Firm were retained to represent Defendants in or around April 2014 pursuant to a written agreement, dated April 9, 2014 (the “Agreement”), which provides, among other things, that the Firm would be entitled to cease its representation of Defendants and withdraw as Defendants’ counsel in the captioned lawsuit if Defendants did not timely pay the Firm’s invoices and/or did not agree to replenish its advance payment retainer for the Firm’s services.

3. “It is well established that ‘[l]itigants have no right to free legal aid in civil suits.’” *City of Joliet v. Mid-City Nat’l Bank of Chi.*, 998 F. Supp. 2d 689, 691-92 (N.D. Ill. 2014) (quoting *Fid. Nat’l Title Ins. Co. of N.Y. v. Intercounty Nat’l Title Ins. Co.*, 310 F.3d 537, 540 (7th Cir. 2002), and citing *A Sealed Case*, 890 F.2d 15, 18 (7th Cir. 1989)). Moreover, the American Bar Association’s Model Rules of Professional Conduct, which have been adopted by this Court through Local Rule 83.50, provide that a lawyer may petition to withdraw from representation if, among other things, a client: (1) “fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled”; or “the representation will result in an unreasonable financial burden on the lawyer.” ABA Model Rule 1.16(b)(5)-(6).

4. The Firm has issued invoices to Defendants, but has not been paid its costs and fees incurred in representing Defendants. Neither have Defendants replenished their advance payment retainer for the Firm’s services. After failing to respond to several of the Firm’s communications, on December 9, 2014, Defendants informed the Firm that they currently lacked the resources to provide any additional monies for legal services in this lawsuit.

5. Based on the foregoing, Movants should be granted leave to withdraw as counsel for Defendants in this matter under the Agreement and Local Rule 83.50.

6. On December 11, 2014, Movants advised Defendants of their intent to bring the instant motion for leave to withdraw as counsel of record, and requested that Defendants inform Movants if they plan to oppose the instant Motion. Movants subsequently sent Defendants a copy of the Court’s Order dated December 11, 2014, and again requested that Defendants inform Movants if they plan to oppose this Motion. As of the time of filing, Defendants have not

advised Movants whether they object to the Motion. Movants will provide Defendants with notice of the Motion.

7. This Motion is not brought for dilatory purposes.

WHEREFORE, Movants respectfully request that they be granted leave to withdraw as counsel of record for Defendants in this action and such other relief as is appropriate.

Respectfully submitted,

ERIC N. MACEY, RICHARD G. DOUGLASS
and AMANDA M.H. WOLFMAN

By: /s/ Amanda M.H. Wolfman
On Movants' Behalf

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CERTIFICATE OF SERVICE

Amanda M.H. Wolfman, an attorney, certifies that she caused copies of the foregoing **Motion For Leave To Withdraw As Counsel For Defendants** to be served: (a) on all counsel of record by electronically filing the document with the Clerk of Court using the ECF system this 19th day of December, 2014; and (b) on Defendants Mark Karpeles and Tibanne KK by Federal Express and e-mail to:

Tibanne KK
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/s/ Amanda M.H. Wolfman