

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MAID OF THE MIST)
CORPORATION)
and MAID OF THE MIST)
STEAMBOAT COMPANY, LTD.,)
)
Plaintiffs,)
)
v.)
)
ALCATRAZ MEDIA, LLC,)
ALCATRAZ MEDIA, INC. and)
WILLIAM M. WINDSOR,)
)
Defendants.)
_____)

CIVIL ACTION NO:
1:06-CV-0714-ODE

**MOTION OF RALEY & SANDIFER, P.C. AND ITS ATTORNEYS TO
WITHDRAW AS COUNSEL**

COMES NOW, attorneys G. Brian Raley and Kathleen E. Sullivan of Raley & Sandifer, P.C. and Raley & Sandifer, P.C. (collectively “Raley & Sandifer”) and hereby move the Court to permit the attorneys and law firm to withdraw as counsel for Alcatraz Media, LLC and Alcatraz Media, Inc. (the “Alcatraz Defendants”) in the above-styled action. Raley & Sandifer has complied with the Court’s Local Rules regarding attorney withdrawal as follows:

1.

Raley & Sandifer files this Motion requesting permission to withdraw from representation of the Alcatraz Defendants in accordance with the Georgia Rules of Professional Conduct.

2.

On December 9, 2008, the Court entered a Consent Judgment in this case. Recently, Defendant William M. Windsor filed a series of motions. There is no trial in this matter currently scheduled, nor will Raley & Sandifer's withdrawal delay the trial of this case, should such trial be scheduled.

3.

Raley & Sandifer states that the notification requirements set forth in Local Rule 83.1.E have been met. A copy of the required notice (the "Notice") is attached to this Motion as Exhibit "1". The Notice was provided to the Alcatraz Defendants in writing and sent to the Alcatraz Defendants at their last known addresses, via first class mail.

4.

If an order permitting withdrawal is entered, the Alcatraz Defendants shall be notified by attorney G. Brian Raley of the effective date of Raley & Sandifer's

withdrawal. After that date, all notices or other documents may be served on the Alcatraz Defendants directly as their last known addresses or until new counsel enters an appearance. The last known addresses of Alcatraz Media, LLC and Alcatraz Media, Inc. are 8200 Roberts Drive, Suite 205, Atlanta, Georgia 30350 and P.O. Box 681043, Marietta, Georgia 30068.

WHEREFORE, and for all the foregoing reasons, Raley & Sandifer moves the Court to permit the withdrawal from their representation of the Alcatraz Defendants herein. A proposed Order is attached to this Motion as Exhibit "2".

Respectfully submitted this 19th day of May, 2009.

RALEY & SANDIFER, P.C.

s/ G. Brian Raley

G. Brian Raley

Georgia Bar No. 592810

Kathleen E. Sullivan

Georgia Bar No. 142475

2650 Resurgens Plaza

945 East Paces Ferry Road

Atlanta, GA 30326

Telephone: (404) 995-9000

Facsimile: (404) 995-9100

CERTIFICATION OF TYPE AND MARGINS

The undersigned counsel of record certify that this pleading has been prepared in font type Times New Roman 14 point as required under Local Rule 5.1(C). Further the undersigned counsel of record certifies that this pleading has used margins as required under Local Rule 5.1(D).

Respectfully submitted, this 19th day of May, 2009.

RALEY & SANDIFER, P.C.

s/ G. Brian Raley

G. Brian Raley

Georgia Bar No. 592810

Kathleen E. Sullivan

Georgia Bar No. 142475

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945 East Paces Ferry Road
Atlanta, GA 30326
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served counsel for the opposing parties with a copy of the within and foregoing MOTION OF RALEY & SANDIFER, P.C. AND ITS ATTORNEYS TO WITHDRAW AS COUNSEL with the Clerk of Court via CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

Mr. Carl Hugo Anderson Jr.
Hawkins & Parnell, LLP
4000 SunTrust Plaza
303 Peachtree Street, N.E.
Atlanta, GA 30308-3243

James W. Penland
3756 Lavista Road
Suite 106
Tucker, GA 30084

Marc W. Brown
Phillips Lytle, LLP, 3400
HSBC Center
Buffalo, NY 14203

In addition, I further certify that, pursuant to Local Rule 83.1(E)(2)(c) and subsequent to the filing of the Motion, a copy of the Motion will be served upon the Alcatraz Defendants by U.S. Mail at the following addresses:

Alcatraz Media, LLC
8200 Roberts Drive, Suite 205,
Atlanta, Georgia 30350

Alcatraz Media, Inc.
8200 Roberts Drive
Suite 205
Atlanta, Georgia 30350

William M. Windsor
P.O. Box 681043
Marietta, Georgia 30068

This 19th day of May, 2009.

RALEY & SANDIFER, P.C.

s/ G. Brian Raley

G. Brian Raley

Georgia Bar No. 592810

Kathleen E. Sullivan

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NOTICE OF INTENT TO WITHDRAW AS COUNSEL

The law firm of Raley & Sandifer, P.C. and attorneys G. Brian Raley and Kathleen E. Sullivan (collectively “Raley & Sandifer”), under Local Rule 83.1E(2)(b), provide this Notice of Intent to Withdraw, and state as follows:

1.

Raley & Sandifer intends to withdraw as counsel for Defendants Alcatraz Media, LLC and Alcatraz Media, Inc., (collectively “Alcatraz”) in connection with the above-styled action.

EXHIBIT 1

2.

The address for the Clerk of the United States District Court for the Northern District of Georgia is United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303-3361, and the telephone number for the Clerk of the Court is (404) 215-1600. Opposing counsel in this action are Carl Anderson, Hawkins & Parnell, LLP, 4000 SunTrust Plaza, 303 Peachtree Street, N.E., Atlanta, GA 30308-3243, (404) 614-7400; and Marc W. Brown, Phillips Lytle, LLP, 3400 HSBC Center, Buffalo, NY 14203, (716) 847-8400. The last known address of Defendant William Windsor is P.O. Box 681043, Marietta, Georgia 30068.

3.

The United States District Court for the Northern District of Georgia retains jurisdiction over the above-styled action.

4.

Following Raley & Sandifer's withdrawal, Alcatraz has the burden of keeping the Court informed respecting where notices, pleadings or other papers in this action may be served.

5.

Alcatraz has the obligation to prepare for trial or hearings or to hire other counsel to prepare for trial or hearings, should they be scheduled. If Alcatraz fails

or refuses to meet these burdens, Alcatraz may suffer adverse consequences.

6.

No dates are scheduled for any proceedings in this action beyond ten days hence. The scheduling of future proceedings will not be affected by Raley & Sandifer's withdrawal as counsel.

7.

Service of notices may be made upon Alcatraz at its last known address of P.O. Box 681043, Marietta, Georgia 30068.

8.

If Alcatraz does not consent to Raley & Sandifer's withdrawal as counsel, Alcatraz may file an objection with the Court within ten (10) days of this Notice of Intent to Withdraw.

9.

All corporate defendants must be represented in court by an attorney, an attorney must sign all pleadings submitted to the Court, and a corporate officer may not represent the corporation in Court unless that officer is also an attorney licensed to practice law in the state of Georgia. Failure to comply with this rule could result in default being entered against the corporate party.

This 7th day of May, 2009.

RALEY & SANDIFER, P.C.

s/ G. Brian Raley _____

G. Brian Raley

Georgia Bar No. 592810

Kathleen E. Sullivan

Georgia Bar No. 142475

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**ORDER GRANTING MOTION
TO WITHDRAW AS COUNSEL**

The law firm of Raley & Sandifer, P.C., and attorneys G. Brian Raley and Kathleen E. Sullivan, (collectively “Raley & Sandifer”), having submitted a Motion to Withdraw as Counsel (the “Motion”) and requesting therein that the Court grant Raley & Sandifer’s permission to withdraw from their representation of Alcatraz Media, LLC and Alcatraz Media, Inc. (the “Alcatraz Defendants”); and

It appearing to the Court upon consideration of the record that the procedures in Local Rule 83.1(E) for withdrawal have been met, and for other good cause;

EXHIBIT “2”

IT IS HEREBY ORDERED that the Motion be GRANTED and that Raley & Sandifer be permitted to withdraw *instanter* from their representation of the Alcatraz Defendants in this action. Raley & Sandifer shall notify the Alcatraz Defendants of this Order by serving a copy of this Order at the Alcatraz Defendants' last known addresses.

SO ORDERED, this ___ day of _____, 2009.

Hon. Orinda Evans
United States District Court
Northern District of Georgia

Order Prepared and Submitted by:

RALEY & SANDIFER, P.C.

By:

s/G. Brian Raley _____
G. Brian Raley
Georgia Bar No. 592810

2650 Resurgens Plaza
945 East Paces Ferry Road
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COPIES TO:

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