

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
CASE NO. 8:15-cv-00011-EAK-TBM

OXEBRIDGE QUALITY RESOURCES
INTERNATIONAL, LLC, and
CHRISTOPHER PARIS, individually,

Plaintiffs,

vs.

MARC TIMOTHY SMITH,
individually, and d/b/a CAYMAN
BUSINESS SYSTEMS,

Defendants,

MARC TIMOTHY SMITH,
individually,

Counterclaim-Plaintiff,

vs.

OXEBRIDGE QUALITY RESOURCES
INTERNATIONAL, LLC, and
CHRISTOPHER PARIS, individually,

Counterclaim-Defendants.

**UNOPPOSED MOTION FOR WITHDRAWAL AS COUNSEL FOR
DEFENDANT/COUNTER-CLAIM PLAINTIFF**

Pursuant to Local Rule 2.03, the undersigned counsel, Simeon D. Brier and Matthew B. Criscuolo of Cozen O'Connor, who have appeared of record as counsel of record for the Defendant/Counter-Claim Plaintiff, Marc Timothy Smith d/b/a Cayman Business Systems, ("Smith"), hereby move for entry of an Order granting their withdrawal as counsel for Smith, and in support thereof state as follows:

1. On January 5, 2015, Plaintiffs commenced this action, asserting claims for, *inter alia*, unfair competition, extortion and defamation. [D.E. 1]
2. Initially, Smith represented himself in this action *pro se*, filing his Answer, Affirmative Defenses and Counterclaim [D.E. 17], appearing before the Magistrate for a status conference [D.E. 19], negotiating and executing the parties' Joint Stipulation, which resolved Plaintiffs' claim for injunctive relief [D.E. 33 & 35], preparing the parties' Case Management Report [D.E. 34], as well as making other various filings with the Court in this action.
3. The undersigned entered their appearance as counsel for Smith on May 5, 2015. [D.E. 45]
4. Immediately after appearing in the case as counsel for Smith, with multiple deadlines approaching, the undersigned began to take the necessary steps to represent Smith in this action, including but not limited to scheduling this matter for mediation on June 5, 2015.
5. The parties settled at mediation [D.E. 51] and, on July 6, 2015, the Court dismissed with prejudice and closed the case [D.E. 53] pursuant to the parties' Joint Stipulation of Dismissal [D.E. 52].
6. Following mediation, Smith advised the undersigned, both verbally and in writing, that he no longer wished for the undersigned to serve as his counsel and that, should the need arise, he would return to proceeding in this action *pro se* and have the undersigned withdraw as his counsel.
7. On July 9, 2015, in an email exchange with Plaintiffs' counsel, the undersigned advised that as the matter had been dismissed with prejudice and the case was

closed, the undersigned's representation of Smith had likewise concluded and that all future communications should be directed in writing to Smith.

8. On July 29, 2015, Plaintiffs filed their Motion to Seal [D.E. 54] (the "Motion"), relating to Plaintiffs' allegations that Smith violated the parties' confidential settlement agreement.
9. Immediately after the Plaintiffs filed their Motion, on July 29, 2015, the undersigned confirmed with Smith that he still wished to have the undersigned withdraw as his counsel and wished to return proceeding in this action *pro se*. Attached is a copy of Smith's consent for the undersigned to withdraw as his counsel. As a result, irreconcilable differences now exist between the undersigned and Smith that prevent the undersigned from continuing to represent Smith in this action.
10. After the Motion was filed, on July 29, 2015, the undersigned also discussed with opposing counsel, by telephone, of the undersigned's intent to move for leave to withdraw as counsel for Smith pursuant to Local Rule 2.03(b) and at Smith's direction.
11. Opposing counsel stated, both verbally and in writing, that Plaintiffs do not oppose the withdrawal of the undersigned as counsel for Smith.
12. The relief sought in this Motion is being made in good faith and will not delay the trial of this case.

WHEREFORE, Simeon D. Brier and Matthew B. Criscuolo of Cozen O'Connor, move for entry of an Order granting their withdrawal as counsel to Defendant/Counter-Claim Plaintiff,

Marc Timothy Smith d/b/a Cayman Business Systems, and for such other and further relief as this Court deems necessary just and proper.

Respectfully submitted,

By: /s/ Simeon D. Brier
Simeon D. Brier, Esq.
Florida Bar No. 525782
Matthew B. Criscuolo, Esq.
Florida Bar No. 58441
Cozen O'Connor
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Email: sbrier@cozen.com
Email: mcriscuolo@cozen.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 29, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to electronically receive Notices of Electronic Filing.

/s/ Simeon D. Brier
Simeon D. Brier, Esq.

SERVICE LIST

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Counsel for Plaintiffs/Counter-Claim Defendants, Oxebridge Quality Resources International, LLC and Christopher Paris

Via CM/ECF

Marc Timothy Smith
8466 Lesourdsville-West Chester Road
West Chester, Ohio 45069

Defendant/Counter-Claim Plaintiff, *pro se*

Via U.S. Mail and Electronic Mail

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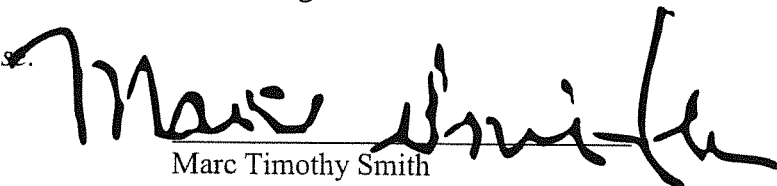
Counterclaim-Defendants.

_____ /

CONSENT OF CLIENT

Defendant/Counter-Claim Plaintiff, Marc Timothy Smith d/b/a Cayman Business Systems (“Smith”), hereby consents to the withdrawal Simeon D. Brier and Matthew B. Criscuolo of Cozen O’Connor as counsel of record for Smith in the above-styled action. Upon counsel’s withdrawal becoming effective, Smith acknowledges and understands that he will return to proceeding in this action *pro se*.

Dated: July __, 2015



Marc Timothy Smith