

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11,
2001

03 MDL 1570 (GBD)(FM)
ECF Case

This document relates to:

All Cases

**PLAINTIFFS' OPPOSITION TO MOTION TO WITHDRAW MARTIN MCMAHON &
ASSOCIATES AS COUNSEL OF RECORD FOR DEFENDANT SANABEL AL KHEER, INC.**

Plaintiffs hereby oppose the motion to withdraw by Sanabel's counsel until such time as new counsel enters an appearance and demonstrates that no significant delays will ensue in the discovery process. Plaintiffs also reiterate their request that the conference scheduled for December 4, 2009 proceed as scheduled and that Sanabel be required to attend and be represented either by Mr. McMahon or by new counsel.

Sana-Bell, Inc and Sanabel al Kheer, Inc have been defendants in this case for seven years. Four of those years were spent waiting for the two entities to Answer or file a Motion to Dismiss, which they eventually did on July 31, 2006. After the Court denied Sana-Bell, Inc.'s Motion to Dismiss a year later, Plaintiffs promptly served discovery requests. For two years, Defendant Sana-Bell and its self-styled 'successor' Sanabel al Kheer have delayed, obstructed, at times been incommunicado, and only partially responded to Plaintiffs' discovery requests after Court Order. Now, on the eve of the hearing concerning the latest discovery dispute, Defendant Sanabel al Kheer's attorney seeks to withdraw from representing Sanabel al Kheer without any indication that anyone will thereafter represent Sanabel al Kheer at the upcoming hearing, or thereafter as discovery obligations are to be met.

Plaintiffs have spent considerable effort pursuing the discovery trail despite Sana-Bell and Sanabel's delays and evasions. Sanabel al Kheer counsel's Motion to Withdraw, whether

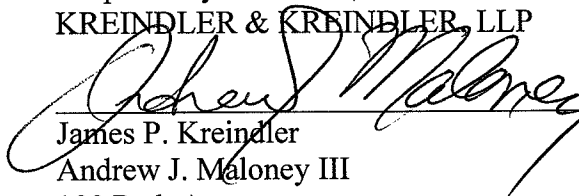
deliberate or not, appears to Plaintiffs to be another dilatory effort to frustrate the discovery process. *See e.g., United States v. Matsuchita*, 1985 U.S. Dist. LEXIS 18280, Dkt. S83 Cr. 506, *11 (SWK) (S.D.N.Y. July 2, 1985) (recognizing defendant's attempted discharge of counsel as a dilatory tactic that would not be permitted to delay proceedings.)

Plaintiffs note that Sanabel al Kheer, Inc.'s Motion to Dismiss has not yet been decided and the December 4th hearing (that was previously scheduled for November 20th and adjourned at Mr. McMahon's request) concerns a discovery dispute with Sana-Bell, Inc., an entity which Mr. McMahon also represents in this case and for which he has appeared and filed briefs. The fact that Mr. McMahon, counsel for both Sana-Bell and Sanabel al Kheer, does not so much as mention Sana-Bell, Inc. in his Motion to Withdraw is further indication of the intertwined nature of the Sanabel entities and the on-going effort by the Sanabels to confuse and obstruct the prosecution of this case.

Notably, Mr. McMahon has not requested that the December 4, 2009 hearing be adjourned and, accordingly, Plaintiffs expect to participate in the hearing with the hope that the dispute will be resolved and the case will proceed expeditiously. Accordingly, Plaintiffs oppose the Motion to Withdraw until such time as new counsel has appeared on behalf of Sanabel al Kheer. Plaintiffs also request the Court to not allow Sana-Bell (or Sanabel al Kheer) to further delay the hearing and requested discovery.

Dated: November 30, 2009

Respectfully submitted,
KREINDLER & KREINDLER, LLP



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