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8 Attorneys for PERSONALWEB
 TECHNOLOGIES, LLC
 9 (Excluding Post Judgment Debtor
 Collection Proceedings)

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 IN RE PERSONAL WEB TECHNOLOGIES,
 14 LLC, ET., AL., PATENT LITIGATION

CASE NO.: 5:18-md-02834-BLF

Case No.: 5:18-cv-00767-BLF

15 AMAZON.COM, INC. and AMAZON WEB
 16 SERVICE, INC.,

Case No.: 5:18-cv-05619-BLF

17 Plaintiffs,

**NOTICE OF MOTION AND MOTION OF
 STUBBS ALDERTON & MARKILES TO
 WITHDRAW AS COUNSEL FOR
 PERSONALWEB TECHNOLOGIES, LLC**

18 v.

19 PERSONALWEB TECHNOLOGIES, LLC, et
 20 al.,

**DECLARATION OF JEFFREY F. GERSH
 FILED IN SUPPORT; [PROPOSED]
 ORDER**

21 Defendants.

22 PERSONALWEB TECHNOLOGIES, LLC, et
 23 al.,

**Hearing: June 17, 2021
 Time: 9:00 a.m.
 Judge: Hon. Beth Labson Freeman**

24 Plaintiffs,

25 v.

26 TWITCH INTERACTIVE, INC.,

27 Defendant.

28

NOTICE OF MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 17, 2021 at 9:00 a.m., or as soon thereafter as the matter may be heard before the Honorable Beth Labson Freeman, Courtroom 3, 5th Floor, of the United States District Court for the Northern District of California, San Jose Division, 280 South First Street, San Jose, California 95113, Stubbs Alderton & Markiles, LLP (“SAM”), will and hereby does move the Court, pursuant to Civil Local Rule 11-5(a) and in compliance with California Rule of Professional Conduct 1.16, to withdraw as counsel for PersonalWeb Technologies, LLC (“PersonalWeb”).

MOTION TO WITHDRAW AS COUNSEL FOR PERSONALWEB

I. INTRODUCTION

Pursuant to Civil Local Rule 11-5, SAM seeks to withdraw as counsel for PersonalWeb. SAM has not been retained to represent PersonalWeb in any post judgment collection proceedings and to SAM’s knowledge PersonalWeb has engaged other counsel for that purpose. Based on the foregoing, SAM respectfully requests that the Court issue an order granting withdrawal.

II. LEGAL ARGUMENT

Civil Local Rule 11-5(a) permits withdrawal of counsel by “order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case.” Pursuant to the California Rules of Professional Conduct, Rule 1.16(b)(6), an attorney may withdraw from representing a client if “the client knowingly and freely assents to termination of the representation.” Prior to the receipt of the legal authorities cited by Amazon/Twitch in their filing on Monday, May 10, 2021, SAM reasonably believed that the entry of judgment, conclusion of the disposition of the motion on attorneys’ fees, and administrative closing of this case resulted in the termination of SAM’s counsel of record status for PersonalWeb in the District Court.

Here, SAM should be permitted to withdraw because PersonalWeb assents to termination of SAM’s representation since PersonalWeb never retained SAM to represent it in any post judgment collection proceedings. (Gersh Decl., ¶ 2.) SAM’s engagement as counsel for PersonalWeb has been (1) limited to proceedings pending in this court up through entry of judgment and proceedings relating

1 to Amazon/Twitch’s motion for attorneys’ fees and costs, and (2) the appeals relating thereto pending
2 in the United States Court of Appeals for the Federal Circuit, Case Nos. 19-1918, 20-1566, 21-1858,
3 and the Petition for a Writ of Certiorari pending in the United States Supreme Court, Case No. 20-
4 1394. (Gersh Decl., ¶¶ 2, 3.) PersonalWeb has engaged Ronald Richards of the Law Offices of Ronald
5 Richards and Associates, APC to represent it in all post judgment collection proceedings. (Gersh Decl.,
6 ¶ 4, Ex. A.) Indeed, Mr. Richards sent an email communication to SAM attorneys expressly informing
7 them that SAM is “not authorized to do anything post judgment” and that SAM “is only engaged for
8 the appeal.” (*Id.*, Ex. B.)

9 **III. CONCLUSION**

10 Based on the foregoing, SAM respectfully requests the Court grant this Motion and permit it
11 to withdraw from this case.

12
13 Respectfully submitted,

14 Dated: May 12, 2021

STUBBS, ALDERTON & MARKILES, LLP

15
16 By: /s/ Michael A. Sherman

17 Michael A. Sherman
18 Jeffrey F. Gersh
19 Wesley W. Monroe
20 Viviana Boero Hedrick

21 Attorneys for PERSONALWEB
22 TECHNOLOGIES, LLC
23 (Excluding Post Judgment Debtor
24 Collection Proceedings)
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