

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT H. BRAVER, an individual)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-04-1013-W
)	
AMERIQUEST MORTGAGE COMPANY,)	
INC., et al.)	
)	
Defendants.)	

**APPLICATION FOR LEAVE TO WITHDRAW AS COUNSEL FOR DEFENDANT
LEAD2NET.NET, INC. BY JOHN E. DOWDELL AND NORMAN
WOHLGEMUTH CHANDLER & DOWDELL**

Pursuant to LCvR 83.5, counsel for defendant Lead2Net.Net, Inc. (“Lead2”), John E. Dowdell and the law firm Norman Wohlgemuth Chandler & Dowdell (“NWC&D”), hereby respectfully request that the Court enter an Order granting them leave of Court to withdraw as counsel for Lead2. In further support of this Application, Mr. Dowdell and NWC&D state as follows:

Authority:

1. LCvR 83.5 for the United States District Court for the Western District of Oklahoma states:

In civil cases, attorneys of record shall not withdraw from the case except by leave of the judge to whom the case is assigned, upon reasonable notice to the client and all other parties who have appeared in the case. Withdrawal of counsel may be granted subject to the conditions stated by the Court, including the condition that subsequent papers may continue to be served upon counsel for forwarding purposes or upon the Clerk of the Court, as the Court may direct, unless and until the client appears by other counsel or pro se, and any notice to the client shall so state and any filed consent of the client shall so acknowledge.

Engagement Agreement between Lead2 and NWC&D:

2. On April 28, 2006, Mr. Dowdell and NWC&D entered an appearance in this case on behalf of Lead 2. (Docket # 335). The representation by Mr. Dowdell and NWC&D (including any other attorneys or legal assistants with NWC&D) of Lead2 is governed by a written engagement agreement containing, among other things, a specific provision regarding the right of counsel to withdraw from this case if Lead2 does not fulfill certain obligations to its counsel, including those related to the fees and costs incurred by counsel on behalf of Lead2 in this litigation.

Notice to Lead2 and all other Parties:

3. Lead2 has been given reasonable notice of the intent of Mr. Dowdell and NWC&D (including any other attorneys or legal assistants with NWC&D) to withdraw due to Lead2's failure to comply with the engagement agreement. By this Application, all other parties and counsel shall have been given notice as well.

4. Lead2 has also been specifically advised in counsel's notice of intent to withdraw, that, if it was necessary for counsel to seek leave to withdraw, Lead2 is encouraged to engage other counsel as soon as possible and, until Lead2 obtains other counsel, subsequent papers may continue to be served upon NWC&D for forwarding purposes only as the Court may direct.

5. After being given notice of the intent to withdraw on several occasions (first on August 4, 2006 and several times thereafter) due to Lead2's failure to comply with the terms of the engagement agreement, Lead2 has failed to fulfill certain obligations to its counsel under the engagement agreement.

6. As such, on September 11, 2006, Lead2 was advised that this Application would be filed.

Current Status of Case:

7. On April 28, 2006, a Motion to Dismiss was filed on behalf of Lead2 based in part on lack of personal jurisdiction. (Docket # 336). After conducting jurisdictional discovery relating to Lead2, plaintiff filed his Response on August 7. (Docket # 362). On August 10, Lead2 filed an Unopposed Motion for Leave to File Reply Brief in support of its Motion to Dismiss (Docket # 364), leave to file the Reply was granted on August 14 (Docket # 365), and on August 24 the Reply was filed on Lead2's behalf. (Docket # 366). Briefing on Lead2's Motion to Dismiss is complete.

8. On September 5, Lead2 was advised that the Court intends to set a hearing on the parties' pending motions to dismiss.

9. No scheduling order is currently in place. Although counsel understands that the Court intends to set a hearing on the parties' pending motions to dismiss, no hearing has been set as of the filing of this Application.

10. A proposed Order will be submitted.

RELIEF REQUESTED

For the above-stated reasons, John E. Dowdell and Norman Wohlgenuth Chandler & Dowdell respectfully request that the Court enter an Order granting them leave of Court to withdraw as counsel for Lead2Net.Net, Inc.

Respectfully submitted,

s/John E. Dowdell

John E. Dowdell, OBA #2460

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Attorneys for Defendant Lead2Net.Net, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2006, I electronically transmitted the attached document to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I hereby certify that on September 15, 2006, I served the attached document by U.S. Mail, postage pre-paid, on the following, who are not registered participants of the ECF System:

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The Lead Source, Inc.
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s/John E. Dowdell
John E. Dowdell