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Attorneys for Reno-Sparks Indian Colony and Atsa koodakuh wyh Nuwu

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

BARTELL RANCH LLC, et al.,)	Case No.: 3:21-cv-80-MMD-CLB
)	(LEAD CASE)
Plaintiffs,)	
)	
v.)	
)	
ESTER M. MCCULLOUGH, et al.,)	MOTION TO WITHDRAW
)	AS PEOPLE OF RED
Defendants,)	MOUNTAIN'S COUNSEL
and)	
)	
LITHIUM NEVADA CORPORATION,)	
)	
Intervenor-Defendant.)	

WESTERN WATERSHEDS PROJECT, et al.,)	Case No.: 3:21-cv-103-MMD-CLB
)	(CONSOLIDATED CASE)
Plaintiffs,)	
)	
RENO SPARKS INDIAN COLONY, et al.,)	

Intervenor-Plaintiffs,

and

BURNS PAIUTE TRIBE,

Intervenor-Plaintiff.

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, et al.,

Defendants,

and

LITHIUM NEVADA CORPORATION,

Intervenor-Defendant.

Attorneys Will Falk and Terry J. Lodge, pursuant to LR IA 11-6, respectfully move to withdraw as counsel for Atsa Koodakuh wyh Nuwu/People of Red Mountain in this matter.

Falk and Lodge represent that there is good cause for withdrawal as irreconcilable differences with the People of Red Mountain have arisen that make Falk's and Lodge's representation unreasonably difficult as set forth in Nevada Rule of Professional Conduct (NRCP) 1.16(b)(6). There is also a significant risk that the representation of one of Falk's and Lodge's clients will be materially limited by their responsibilities to their other client, the Reno-Sparks Indian Colony under Rule 1.7(a)(2).

1 On December 17, 2021, Falk and Lodge delivered a letter to the People of Red
2 Mountain notifying them that Falk and Lodge planned on filing a motion to withdraw on
3 January 7, 2022.

4 LR IA 11-6(b) requires that if an attorney seeks to withdraw after appearing in
5 case, the attorney must file a motion and serve it on the affected client and opposing
6 counsel. Under Federal Rule of Civil Procedure 5(b)(2)(C), service is complete upon
7 mailing the motion to an officer of the People of Red Mountain. On January 7, 2022,
8 Falk served this motion to withdraw by mailing it to the last known address of Daranda
9 Hinkey, Secretary of the People of Red Mountain.

10 No trial or hearing is currently set in this case. Falk and Lodge's withdrawal
11 should not result in delay of discovery. Currently, the Federal Defendants have until
12 January 26, 2022 to lodge the administrative record, and motions for summary
13 judgment are not due until 30 days after the Federal Defendants have lodged the
14 administrative record. So, the People of Red Mountain should have adequate of time to
15 identify new counsel ahead of dispositive deadlines.

16 If this Court grants this Motion, Falk and Lodge respectfully request that the
17 People of Red Mountain be afforded the 14 days described in LR IA11-6(b) to find new
18 counsel.

19 Respectfully submitted on this 7th day of January, 2022.

20 /s/ William Falk (Utah Bar No. 16678)
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15 Attorneys for Reno-Sparks Indian Colony and Atsa koodakuh wyh Nuwu
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17

18 **CERTIFICATE OF SERVICE**
19

20 I hereby certify that on Friday, January 7, 2022, I filed the foregoing using the United
21 States District Court CM/ECF, which caused all counsel of record to be served
22 electronically.

23 /s/William Falk
24 Utah Bar No. 16678
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