

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

THOMAS TAYLOR, III, SOLELY IN HIS	§	Civil Action No. 4:09-cv-3674
CAPACITY AS COURT-APPOINTED	§	
RECEIVER FOR KALETA CAPITAL	§	
MANAGEMENT, INC.	§	
	§	
Plaintiff,	§	Related Action:
	§	Civil Action No. 4:10-cv-1189
v.	§	
	§	
PROTECHNIK, INC. and BRIAN DEARMAS	§	
	§	
Defendants.	§	

SECURITIES AND EXCHANGE	§	
COMMISSION,	§	
	§	
Plaintiff	§	
	§	
v.	§	
	§	
ALBERT FASE KALETA and	§	
KALETA CAPITAL MANAGEMENT, INC.,	§	
	§	
Defendants,	§	
	§	
BUSINESS RADIO NETWORKS, L.P. <i>d/b/a</i>	§	
BizRadio and DANIEL FRISHBERG	§	
FINANCIAL SERVICES, INC. <i>d/b/a</i>	§	
DFFS CAPITAL MANAGEMENT, INC.,	§	
	§	
Relief Defendants,	§	
Solely for the Purpose	§	
of Equitable Relief.	§	

MOTION TO WITHDRAW

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

George A. Kurisky, Jr. and Johnson Deluca Kennedy & Kurisky, P.C. (“JDKK”) files this Motion to Withdraw (the “Motion”) as counsel of record for Defendants Protechnik, Inc. and Brian DeArmas in the above captioned estate, and as grounds would show the following:

Failure to Cooperate

1. JDKK asks this Court to allow it to withdraw as Defendants’ counsel of record. Good cause exists for this motion because continued disagreement exists between Defendants and JDKK with regard to the defense of this lawsuit. Despite the parties’ best attempt, they have been unable to resolve these differences, and both parties agree that JDKK’s representation as counsel for Defendants should be terminated.

Failure to Pay Attorney’s Fees

2. Defendants have failed, and continue to fail, to pay attorneys’ fees which are due and owing to JDKK. Defendants have also demonstrated their inability to pay attorney’s fees, and other necessary expenses and costs of court which are required for the proper defense of this lawsuit.

3. Defendants have consented to and requested the withdrawal of JDKK from representation in this matter. So far as the undersigned is aware, no substitute counsel has yet made an appearance for Defendants in this lawsuit.

4. JDKK has caused to be delivered to Defendants a copy of the Motion and notified Defendants of their right to object to the relief requested herein.

5. This relief requested by this Motion is not sought for delay but so that justice may be done. As of the filing of this Motion, there are no pending deadlines in this matter.

WHEREFORE, PREMISES CONSIDERED, George A. Kurisky, Jr. and the law firm of Johnson Deluca Kennedy & Kurisky, P.C., requests that the Court allow their withdrawal as

counsel of record for Defendants Protechnik, Inc. and Brian DeArmas.

Respectfully submitted,

By: /s/ George A. Kurisky, Jr.
Attorney-in-charge:
George A. Kurisky, Jr.
TBA No. 11767700
Sara C. Madole
TBA No. 24060270

ATTORNEY FOR DEFENDANTS
BRIAN DEARMAS and PROTECHNIK, INC.

Certificate of Conference

The undersigned attorney placed a telephone call to Thomas Taylor, receiver in this action, on February 7, 2011 regarding the contents of this Motion. As of the time of filing, Plaintiff is opposed to this Motion.

/s/ Sara C. Madole
Sara C. Madole

Certificate of Service

The undersigned certifies that on the 8th day of February, 2011, a true and correct copy of the foregoing instrument was served on the following counsel of record in accordance with the Federal Rules of Civil Procedure.

Thomas Taylor
Marcela L. Cuadrado
Taylor Cuadrado, P.C.
4550 Post Oak Place, Ste. 241
Houston, Texas 77027

/s/ George A. Kurisky, Jr.
George A. Kurisky, Jr.

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ORDER ON MOTION TO WITHDRAW

On this date came to be considered George A. Kurisky, Jr. and Johnson DeLuca Kennedy

& Kurisky, P.C.'s Motion to Withdraw as attorneys of record for Defendants Protechnik, Inc. and Brian DeArmas (the "Motion") and the Court, having considered the Motion and arguments of counsel, if any, is of the opinion that the motion has merit and should in all things be granted. It is, therefore,

ORDERED, ADJUDGED and DECREED that George A. Kurisky, Jr. and Johnson DeLuca Kennedy & Kurisky, P.C., are withdrawn as counsel of record for Defendants Protechnik, Inc. and Brian DeArmas.

SIGNED this the ____ day of _____ 2011.

JUDGE PRESIDING

APPROVED AND ENTRY REQUESTED:

By: /s/ George A. Kurisky, Jr.

Attorney-in-charge:
George A. Kurisky, Jr.
TBA No. 11767700
Sara C. Madole
TBA No. 24060207