

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

KACEY NICOLE WAGNER

Plaintiff,

v.

NEWREZ, LLC d/b/a Shellpoint Mortgage
Servicing

Defendant.

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CASE NO. 3:22-cv-257

**ROBERT NEWARK’S AGREED RENEWED MOTION TO WITHDRAW
AS COUNSEL FOR PLAINTIFF**

TO THE HONORABLE JUDGE OF SAID COURT:

Robert C. Newark, III ("Movant") respectfully requests that the Court enter an order withdrawing Movants as counsel of record for Plaintiff, Kacey Nicole Wagner. In support of the Motion, Movant would should the following:

1. On March 1, 2023, Movant filed his Motion to Withdraw. See Doc # 11.
2. On multiple occasions since that filing, Plaintiff has reached out to counsel for Defendant to discuss the case, inform counsel for the Defendant that Movant was no longer her attorney, and other disparaging things about Movant. Counsel for Defendant never contacted Plaintiff directly but rather informed Movant of the Plaintiff’s emails and phone calls. Further, Counsel for Defendant stated to Movant that she would not contact Plaintiff directly until the Court enters the order allowing Movant to withdraw.
3. On March 10, 2023, Plaintiff contacted Movant to discuss settlement of the

case. Plaintiff again represented that she would agree to the new settlement offer made by Defendant.

4. Since that time, Movant has attempted to contact Plaintiff at least twice a day at the email address and phone number he had to discuss the status of the settlement offer.

5. On March 15, 2023, Movant received an email from an unknown third-party addressed to Plaintiff and counsel for the Defendant stating many inaccuracies about Movant's representation of Plaintiff and suggesting that Movant did not really represent Plaintiff.

6. As such, based on the conduct of the Plaintiff and the email from the unknown third-party, Movant must not renew his Motion to Withdraw.

7. As previously stated good cause exists for this Court to grant the Motion because irreconcilable differences between counsel and Plaintiff exists:

- a. The client has failed substantially to fulfill an obligation to the lawyer regarding the lawyer's service to including not responding to phone calls and text messages;
- b. The representation has become unreasonable difficult by the client.

8. Plaintiff does not have other counsel at this time. Plaintiff's last known address is 13130 7th St, Santa Fe, TX 77510.

9. The withdrawal is not sought for delay only, but so that justice may be done.

10. Counsel for the Defendant has agreed to my motion to withdraw. While Movant has not been able to speak to Plaintiff, her emails to Counsel for Defendant indicated that Movant is no longer her attorney.

WHEREFORE, PREMISES CONSIDERED, Movants respectfully request that the Court enter an order permitting Robert C. Newark, III, to withdraw as counsel of record for Plaintiff.

Respectfully submitted,

/s/ Robert C. Newark

Robert C. Newark

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

A true and correct copy of this document was served by ECF on March 16, 2023 to:

Melanie D. Morgan

Additionally, a copy was mailed to Plaintiff at the address indicated in this motion.

/s/Robert C. Newark, III

Robert C. Newark, III