

CAUSE NO. 202377273

LW HOUSTON VIII, LLC
Plaintiff

vs.

ACCESS POINT FINANCIAL, LLC
Defendant

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IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

295th JUDICIAL DISTRICT

MOTION TO WITHDRAW AS COUNSEL

TO THE HONORABLE JUDGE:

COMES NOW Eric C. Mettenbrink and the law firm of Hirsch & Westheimer, P.C., and pursuant to Texas Rule of Civil Procedure 10 files this Motion to Withdraw as Counsel for LW Houston VIII, LLC, and respectfully show the Court as follows:

1. Eric C. Mettenbrink is counsel of record for Plaintiff, LW Houston VIII, LLC, in the above-entitled and numbered action and ask this Court to allow his withdrawal. This Motion also encompasses any other attorney employed by Hirsch & Westheimer, P.C.

2. A copy of this Motion, Proposed Order, and a notice letter has been sent to the LW Houston VIII, LLC's last known address via E-mail and Certified Mail Return Receipt Requested using the United States Post Office.

3. LW Houston VIII, LLC's last known contact information is as follows:

LW Houston VIII, LLC
c/o Michael Bon
Vice President of Lending and Acquisitions
Doukas Management
70 SE 4th Avenue
Delray Beach, FL 33483
michael@doukasmanagement.com
(786) 493-0906

4. Withdrawing counsel notified client in writing of its right to object to this motion and will advise client of any and all important dates and deadlines. Client has not responded regarding whether it objects.

5. There is good cause for this Court to grant the Motion. Specifically, Plaintiff has failed to fulfill the financial obligations agreed and failed to communicate with Eric C. Mettenbrink making it extremely difficult, if not impossible, for Eric C. Mettenbrink and the law firm of Hirsch & Westheimer, P.C., to effectively represent it. Plaintiff and its counsel have irreconcilable differences and unresolvable conflicts, and it has become necessary for counsel to immediately withdraw.

6. Thus, continued representation of Eric C. Mettenbrink, and the law firm of Hirsch & Westheimer, P.C., will be fundamentally burdensome. *In re Daniels*, 138 S.W.3d 31 (Tex. App.— San Antonio 2004, orig. proceeding) (withdrawal is justified because client did not fulfill obligations under agreement and continued representation would have been fundamentally burdensome to attorney).

7. Counsel does not move to withdraw for purposes of delay, and counsel has no dilatory motive. There is sufficient time before trial to allow any substitute counsel to prepare for trial and no prejudice will result to Defendant from the Withdrawal of Movant.

8. Movant certifies that to the best of his knowledge, there are no rulings of the Court that have yet to be reduced to writing.

WHEREFORE, PREMISES CONSIDERED, Eric C. Mettenbrink and the law firm of Hirsch & Westheimer, P.C. respectfully request that this Court grant their Motion to Withdraw as Counsel for Plaintiff, LW Houston VIII, LLC and for such other and further relief, both general, special, legal and equitable, to which Movants may be entitled.

Respectfully submitted,

HIRSCH & WESTHEIMER, P.C.

By: /s/ Eric C. Mettenbrink.

Eric C. Mettenbrink
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The Wedge Tower
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Houston, Texas 77002
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emettenbrink@hirschwest.com

Unofficial Copy Office of Marilyn Burgess, Notary Public, Clerk

CERTIFICATE OF CONFERENCE

Defendant has not been formally served with this lawsuit and has not made an appearance in this lawsuit. I hereby certify that on this 12th day of June, 2024, a true and correct copy of the foregoing Motion to Withdraw as Counsel was forwarded as follows:

LW Houston VIII, LLC
c/o Michael Bon
Vice President of Lending and Acquisitions
Doukas Management
70 SE 4th Avenue
Delray Beach, FL 33483

Via CMRRR 9414 7266 9904 2221 6483 18, Regular Mail and Email

Andrew Curtis
P.O. Box 53068
Lubbock, TX 79453

Via CMRRR 9414 7266 9904 2221 6483 01, Regular Mail and Email

s/ Eric C. Mettenbrink
Eric C. Mettenbrink

Unofficial Copy Office of Marilyn Burgess District Clerk

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Erick Escamilla on behalf of Eric Mettenbrink
Bar No. 24043819
eescamilla@hirschwest.com
Envelope ID: 88724572
Filing Code Description: Motion (No Fee)
Filing Description: Motion to Withdraw as Counsel
Status as of 6/12/2024 1:47 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Eric Mettenbrink		emettenbrink@hirschwest.com	6/12/2024 1:34:25 PM	SENT

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