

W. GREGORY SHANABERGER, (p41912)
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Northern Wisconsin Produce, Co.

Plaintiff,

Case No. 2:02-cv-02366 (HRH)

v.

Ionian Foods, LLC, an Arizona Limited
Liability Company; Steven Delaportas, and
Christopher Vasilas,

Defendants.

DEFENDANTS' COUNSEL'S RESPONSE
TO ORDER TO SHOW CAUSE AND REQUEST
FOR PERMISSION TO WITHDRAW AS DEFENDANTS' COUNSEL

Defendants' counsel, W. Gregory Shanaberger, Esq., submits the following as his Response to the Court's April 5, 2007 Order to Show Cause And Request For Permission to Withdraw as Defendants' Counsel:

1. This Court entered an Order to Show Cause on or about April 5, 2007, as a result of information received from the Michigan State Bar Association indicating that the Michigan State Bar had temporarily suspended Shanaberger's license to practice law for failure to timely pay 2007 state bar dues.
2. Shanaberger was unaware of his neglect to timely pay annual bar dues until this Court's Show Cause Order.
3. Upon receipt of the Order, Shanaberger discovered that he had neglectfully omitted to timely pay his bar dues, and that his license was *temporarily suspended* pending receipt of the annual membership fee.

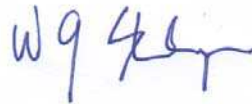
4. Shanaberger immediately paid the past due bar dues, and his *temporary suspension* was immediately lifted and Shanaberger was reinstated as a member in good standing as evidenced by the attached Certificate of Good Standing issued by the State Bar of Michigan on or about April 24, 2007 (See attached exhibit).
5. The temporary suspension of Mr. Shanaberger's law license was not a result of substantive misconduct or failure to comply with any substantive Model Rule of Professional Responsibility. Rather, the temporary suspension was a result of a clerical oversight in failing to timely pay dues.
6. Mr. Shanaberger's *pro hac vice* status has recently changed. In that regard, Mr. Shanaberger previously spent less than half of his annual attorney time in Arizona. During that time, Mr. Shanaberger acted as outside counsel to an entertainment company, traveling between Arizona, California and Michigan. Due to the fact that Shanaberger was constantly traveling, he notified the clerk of this Court, as well as Plaintiff's counsel, that correspondence in this Arizona matter could be sent to an Arizona *mailing address only* at 2525 Biltmore Circle, Ste. B-124, Phoenix Arizona (the Entertainment Company's offices for which Shanaberger provided outside legal counsel services on non-litigation matters). Thereafter, Shanaberger also temporarily rented an apartment in Phoenix to use during the time he spent working on the west coast (the address of which was formerly 3411 N. 16th Street, #1057, Phoenix Arizona). Mr. Shanaberger no longer rents that apartment. However, during the time period that this matter has been put on *administrative hold with no active matters arising other than status reports*, Mr. Shanaberger reached a decision to "retire" from active litigation practice. As such, the time spent in Arizona has gradually increased over the past 12 months; and Mr. Shanaberger now spends/will spend a majority of his time in Arizona and California. As such, Mr. Shanaberger's status as *counsel pro hac vice*, arguably no longer meets the requirements set forth in Ariz. L.R. Civ. 83.1(b)(3).
7. As such, Mr. Shanaberger respectfully requests that he be permitted to withdraw from representation of the Defendants in this matter, as *pro hac vice* counsel; and

that this Court provide Defendants 30 days *from the date this matter is reactivated to active status*, in which to seek new counsel.

8. Defendants do not object to the relief requested herein.

WHEREFORE, Defendants' counsel, W. Gregory Shanaberger, respectfully requests that the Court find good and just cause to set aside its show cause order and permit Shanaberger to voluntarily withdraw from representation of Defendant(s) in this matter.

Respectfully Submitted,



W. Gregory Shanaberger

Copy of the foregoing mailed this
25th day of April, 2007 to:

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