

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

	)	
<b>TIGERS LIMITED and</b>	)	
<b>TIGERS (USA) GLOBAL LOGISTICS, INC.</b>	)	
	)	
<i>Plaintiffs,</i>	)	<b>CIVIL ACTION NO.:</b>
	)	<b>1:15-cv-00947-AJT-MSN</b>
<b>v.</b>	)	
	)	
<b>TAMERLANE GLOBAL SERVICES,</b>	)	
<b>ARTEMIS GLOBAL INC. and</b>	)	
<b>JAMES M. O'BRIEN</b>	)	
	)	
<i>Defendant.</i>	)	

**DEFENSE COUNSEL'S EMERGENCY MOTION TO WITHDRAW**  
**AS COUNSEL FOR DEFENDANTS**

Michael C. Whitticar and NOVA IP Law, PLLC ("Defense Counsel") hereby submit this motion to withdraw as counsel for defendants Artemis Global, Inc., Tamerlane Global Services, and James M. O'Brien ("Defendants").

1. Defendants have discharged Defense Counsel and asked them to withdraw.
2. Defendants have agreed to sign the consent form attached to Exhibit A but have failed to do so. (Ex. A).
3. Defendants apparently believe and contend that Defense Counsel have not adequately protected Defendants' interests in protecting Defendants against overly broad and unduly burdensome discovery from Plaintiffs.

4. Defendants apparently suspect and have contended that Defense Counsel have colluded with an attorney who was counsel for a different plaintiff suing Defendants in a different action in state court.

5. There is no merit to that contention, as Defense Counsel have not to their knowledge ever seen, spoken to or communicated with the lawyer in question who is reportedly representing a different opposing party plaintiff in a different case (the "State Court Case"). In truth, Defense Counsel's knowledge of the State Court Case is limited to what they have been told by Defendants and their own lawyer in that other case.

6. Defendants have threatened to file a bar complaint against Defense Counsel, apparently based on their unfounded suspicion that Defense Counsel has colluded with the attorney for the opposing plaintiff in the State Court Case. In fact, Defense Counsel have not to their knowledge ever seen, spoken to or communicated with the lawyer in question or his staff.

7. Defendants have been dishonest with Defense Counsel and have failed to follow the advice of Defense Counsel, causing personal hardship and professional embarrassment for Defense Counsel.

8. Defendants represented to Defense Counsel that they were in the process of answering discovery and would provide documents and interrogatory answers on time and when due, on or about November 17, 2015. Instead, at the end of the response period, Defendants provided skeletal and insufficient responses and declared that they would not permit Defense Counsel to serve them *for over four weeks*, until the State Court Case had been resolved. Defendants insisted on this ill-advised course of conduct and ignored strong advice and warnings from Defense Counsel about the potential consequences of it. Defense Counsel did not see an

adequate factual or legal basis for filing any motions based on the existence of a related case in state court involving a different plaintiff.

9. As the State Court Case trial date grew near, Defense Counsel asked Defendants to prepare reasonably complete discovery responses which could be served as soon as the trial in the State Court Case was over. Defendants again refused and failed to follow the advice of Defense Counsel, and raised a variety of other reasons and avenues for not providing discovery, which again were contrary to the strong advice and warnings of Defense Counsel. Thus, Defendants once again failed to follow the instructions and advice of Defense Counsel.

10. Defendants cursed at Defense Counsel in writing over these discovery disagreements, calling him an "a\$\$hole."

11. For all of the above reasons and more, the relationship between Defendants and Defense Counsel has become acrimonious and hostile, and irreconcilable differences exist between Defendants and Defense Counsel.

12. Therefore, it would be unreasonably burdensome and difficult for Defendants and Defense Counsel to continue working together, and Defendants have discharged and demanded the withdrawal of Defense Counsel as counsel of record in this action.

13. Additionally, due to Defendants' misguided decisions and refusal to follow the warnings and advice of counsel, Mr. Whitticar would need to cancel or miss an expensive, non-refundable, pre-paid family vacation with his wife and college-student children to timely complete deposition discovery in this case by January 15, 2015, which would be an additional hardship which would make it unreasonably difficult and burdensome for Mr. Whitticar to continue representing Defendants.

14. Rule 1.16(a)(3) of the Virginia Rules of Professional conduct is dispositive here because it requires an attorney who has been discharged to withdraw. Clients have the absolute right to discharge their lawyers and law firms at any time, and Defendants have done so here.

15. The discovery period closes in this case on January 15, 2015. Depositions are scheduled for December 29 and 30. Defense Counsel needs to know promptly whether they are required or entitled to take and defend depositions in the meantime, given that they have been discharged but are still counsel of record.

16. Defense Counsel should not be forced to represent clients who curse at him, threaten bar complaints against him, make unfounded accusations of conspiracy and collusion against him, and cause him personal hardship and professional embarrassment by repeatedly disregarding and failing to follow his advice.

17. The acrimony and hostility shown by Defendants adversely impacts the ability of Defense Counsel to vigorously defend them and give them honest advice, because Defense Counsel will be overly concerned about not further provoking the anger of Defendants and about not becoming the target of their baseless conspiracy theories and threats of bar complaints. At the same time, Defense Counsel is seriously concerned about incurring personal liability for discovery sanctions because Defendants, in the opinion of Defense Counsel, are not complying with their obligations and are not following Defense Counsel's advice.

18. Rule 1:16(b) permits an attorney to withdraw for good cause and for a number of more specific reasons that are also applicable under the facts stated above.

WHEREFORE, Defense Counsel requests permission to withdraw as counsel of record for Defendants both based on Defendants having discharged Defense Counsel and based on Defendants making it unreasonably difficult for Defense Counsel to represent Defendants.

**REQUEST FOR EXPEDITED HEARING**

Defense Counsel requests that this motion be heard on an emergency, expedited basis because they are in the untenable position of being counsel of record for hostile and acrimonious clients who have discharged Defense Counsel and whom Defense Counsel therefore arguably have no authority to act for or bind.

Respectfully Submitted this 22<sup>nd</sup> day of  
December, 2015,

TAMERLANE GLOBAL SERVICES,  
ARTEMIS GLOBAL INC. and  
JAMES M. O'BRIEN

By: /s/ Michael C. Whitticar  
Counsel

Michael C. Whitticar, Esq. (VSB #32968)  
NOVA IP Law, PLLC  
7001 Heritage Village Plaza, Suite 205  
Gainesville, VA 20155  
Phone: (571) 386-2980  
Fax: (855) 295-0740  
E-mail: [mikew@novaiplaw.com](mailto:mikew@novaiplaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2015, I filed the foregoing *Motion to Withdraw* and this *Certificate of Service* with the Clerk of the Court using the United States District Court CM/ECF System and that a copy of said documents will be provided to the following counsel of record via the CM/ECF system:

Katherine L. McKnight, Esq. (VSB #81482)  
BAKER & HOSTETLER, LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304  
Phone: (202) 861-1500  
E-mail: [kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)

Joel Griswold  
John C. McIlwee  
BAKER & HOSTETLER, LLP  
191 North Wacker Drive, Suite 3100  
Chicago, IL 60606-1901  
Phone: (312) 416-6238  
E-mail: [jcgriswold@bakerlaw.com](mailto:jcgriswold@bakerlaw.com)

*Counsel for Plaintiffs*

And by U.S. mail, e-mail and process server on Defendants:

James O'Brien  
1340 N Great Neck Rd, Unit 1272-359  
Virginia Beach, VA 2345  
[jobrien@artemisgls.com](mailto:jobrien@artemisgls.com)

Artemis Global Inc.  
c/o M. Nicole Williams, Registered Agent  
222 Central Park Avenue, Suite 1700  
Virginia Beach, VA 23462

Tamerlane Global Services, Inc.  
c/o James O'Brien  
1340 N Great Neck Rd, Unit 1272-359  
Virginia Beach, VA 2345

/s/ Michael C. Whitticar  
Michael C. Whitticar, Esq.



*EX. A1*

Michael Whitticar <novaiplaw@gmail.com>

## Consent To Withdrawal

8 messages

**Michael Whitticar** <mikew@novaiplaw.com> Mon, Dec 21, 2015 at 12:50 PM  
 To: James OBrien <jobrien@artemisgls.com>, Candi Kennedy <ckennedy@artemisgls.com>, NOVA IP Law Office <admin@novaiplaw.com>  
 Cc: NOVA IP Law Office <novaipoffice@gmail.com>  
 Bcc: Teresa Whitticar <twhitticar@aol.com>

Attached please find a proposed consent to withdrawal of defense counsel.

Please sign it and return it to me today if possible.

Please feel free to make any necessary or appropriate edits or changes.

Sincerely,

Michael C. Whitticar

NOVA IP Law, PLLC  
 7001 Heritage Village Plaza  
 Suite 205  
 Gainesville, VA 20155  
 Telephone: (571) 334-2671  
 Fax: 855-295-0740  
[www.novaiplaw.com](http://www.novaiplaw.com)  
[mikew@novaiplaw.com](mailto:mikew@novaiplaw.com)

 **Artemis Consent To Withdrawal of Defense Counsel.docx**  
 18K

**Jim O'Brien** <jobrien@artemisgls.com> Mon, Dec 21, 2015 at 2:25 PM  
 To: "mikew@novaiplaw.com" <mikew@novaiplaw.com>, Candi Kennedy <ckennedy@artemisgls.com>, "admin@novaiplaw.com" <admin@novaiplaw.com>  
 Cc: "admin@novaiplaw.com" <novaipoffice@gmail.com>

Mike,

I will get this back out to you.

Re the deposition on the 29th. I have a business meeting in Anchorage on the 28th that cannot be postponed. The earliest I can return to the East Coast is the 29th at 1150A - I can be in DC by 1P.

Please let me know if that can work for opposing counsel.

Thank you.

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FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

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**TIGERS LIMITED and  
TIGERS (USA) GLOBAL LOGISTICS, INC.**

*Plaintiffs,*

v.

**TAMERLANE GLOBAL SERVICES,  
ARTEMIS GLOBAL INC. and  
JAMES M. O'BRIEN**

*Defendant.*

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**DEFENDANTS' CONSENT TO WITHDRAWAL OF DEFENSE COUNSEL**

Defendants Artemis Global, Inc., Tamerlane Global Services, and James M. O'Brien ("Defendants"), do hereby consent to the withdrawal of Michael C. Whitticar and NOVA IP Law, PLLC ("Defense Counsel") as counsel for the defendants in this matter.

1. Defendants have discharged Defense Counsel and asked them to withdraw.
2. Defendants believe and contend that defense counsel have not adequately protected Defendants' interests in protecting Defendants against overly broad and unduly burdensome discovery from Plaintiffs.
3. Defendants suspect and have accused Defense Counsel of colluding with an attorney who was counsel for a different plaintiff suing Defendants in a different action in state court.
4. Defendants have threatened to file a bar complaint against Defense Counsel.



5. The relationship between Defendants and Defense Counsel has become acrimonious and hostile, and irreconcilable differences exist between Defendants and Defense Counsel.

6. Therefore, it would be unreasonably burdensome and difficult for Defendants and Defense Counsel to continue working together, and Defendants not only consent to but demand the withdrawal of Defense Counsel as counsel of record in this action.

Respectfully Submitted This 21st Day of December, 2015.

\_\_\_\_\_  
Tamerlane Global Services

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_  
Artemis Global, Inc.

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_  
James M. O'Brien