

FILED 4/12/13
DATE: _____ TIME: _____ am/pm
By:
CLERK, FSM SUPREME COURT
KOSRAE
TRIAL DIVISION

Stephen V. Finnen
A Law Corporation
P. O. Box 1450
Kolonias, FM 96941
Phone: (691) 320 2871
Fax: (691) 320 5502

ATTORNEYS FOR DEFENDANTS

IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION - KOSRAE STATE

LANSON ALIK,) CIVIL ACTION NO. 2011-2006
))
) Plaintiff,))
)))
v.)))
)))
VENTURE TRANSPORTATION)
CORPORATION, BUDGET CAR RENTAL)
OF KOSRAE, AND WALDIS A. CLARK, in)
Both his individual and official capacities,)
))
) Defendants,)
))

The undersigned counsel for defendants hereby continues to move this Honorable court pursuant to Rule 1.6 of the American Bar Association's Model Rules of Professional Conduct (b) (4), (5) and (6) for an order permitting counsel to withdraw as attorney of record in this matter. The previous motion was held in abeyance by court order of February 28, 2013.

The defendants, by and through counsel, hereby move for an order of the Court to allow filing by facsimile. Pursuant to General Court Order, 1990-1, plaintiffs move the Court to be allowed to file this Motion to Withdraw by facsimile, on the basis that the Court might not receive a filing by mail in time. Filing by mail would not be received timely.

MEMORANDUM OF POINTS AND AUTHORITIES

The court requested in its February 28, 2013, order that counsel make attempts to contact the client and to return the client's file. On January 23, 2013, a letter was hand delivered to Waldis Clark at his last known place of employment, Budget Rental Car. A true and correct copy is attached as Exhibit A. After the Court held this motion in abeyance, a letter dated March 6, 2013, and acknowledged received by Waldis Clark was sent by airplane to Pingelap and delivered in Pingelap. A true and correct copy of this letter is attached as Exhibit B. There was no further contact from Mr. Clark. No payments were made and no requests were made concerning further or other representation.

Mr. Clark's file will be delivered to him in Pingelap, once the Court authorizes this counsel to withdraw. Otherwise if the file is returned prior to such order, and the court does not grant the motion to withdraw, there may be no chance to get the file back.

Service is made on the P.O. Box provided by Mr. Clark for his bank statements, which is his last known postal address. This information is supported by affidavit.

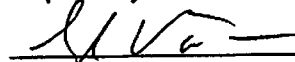
For the reasons stated in the motion to withdraw, this counsel seeks to be allowed to withdraw from this case.

CONCLUSION

The undersigned seeks to be allowed to withdraw from representation in this case. For the foregoing reasons it is requested that this motion to withdraw be granted.

Dated: 4-15-13 .

Respectfully submitted,



Stephen V. Finnen
A Law Corporation
Attorneys for Defendants

IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION - KOSRAE STATE

LANSON ALIK,)	CIVIL ACTION NO. 2011-2006
)	
Plaintiff,)	
)	
v.)	AFFIDAVIT OF
)	STEPHEN V. FINNEN
VENTURE TRANSPORTATION)	
CORPORATION, BUDGET CAR RENTAL)	
OF KOSRAE, AND WALDIS A. CLARK, in)	
Both his individual and official capacities,)	
)	
Defendants,)	
)	

Stephen V. Finnen, being sworn, deposes and states:

1. I am the attorney of record and have factual knowledge about the events stated below. If called upon I could and would competently testify to the facts stated below.
2. Attached as Exhibit A is a true and correct copy of a letter delivered by my office on or about January 23, 2013, to the last known place of employment of Waldis Clark, Budget Rental Car in Pohnpei.
3. Attached as Exhibit B is a true and correct copy of letter dated March 6, 2013, delivered by Caroline Pacific Airlines to Waldis Clark in Pingelap. Mr. Clark signed this copy that he received it, on or about March 8, 2013. He has not contacted my office or paid his bill since this letter was delivered.
4. This supplement is being mailed to Waldis Clark at P.O. Box 2266, Kolonia, Pohnpei which is his last known mail address, and is on the bank statements in my possession.

5. The withdrawal of counsel at this stage will not prejudice the defendants. No trial dates are set and no further proceedings are scheduled.
6. The lack of payment of the outstanding billing has caused a hardship on this firm, and the anticipated legal fees and travel costs in the future are anticipated to cause even greater hardship.

FURTHER AFFIANT SAYETH NAUGHT

Dated: 4-15-13


 Stephen V. Finnen

Subscribed to and sworn before me this 15th date of April, 2013
Meltrise Paul, Notary Public
Federated States of Micronesia
State of Pohnpei

My Commission expires on the 15 day of March, 2015


CERTIFICATE OF SERVICE

I, the undersigned hereby certify that on this ___ day of April, 2013, I caused Defendant's Supplemental Motion to Withdraw to be served on the plaintiff's attorney of record by first class mail and on the clients by certified mail to their last known address.

Charlton Timothy
 MLSC
 P.O. Box 38
 Lelu, Kosrae, FM 96944

Waldis Clark
 P.O. Box 2266
 Venture Transportation
 Company
 Budget Car Rental of Kosrae
 P.O. Box
 Kolonia, Pohnpei, FM 96941

Dated: 04/18/13



**STEPHEN V. FINNEN
A LAW CORPORATION**

Post Office Box 1450
Kolonia, Pohnpei FM 96941
Federated States of Micronesia
Tel: Country Code 691 320 2871
Fax: 691 320 5502
e-mail: finnen@mail.fm

January 23, 2013

**Personal and Confidential
Attorney Client Privilege
Hand Delivered**

Mr. Waldis Clark
Budget Rental Car
Kolonia, Pohnpei, FM 96941

Re: Alik v. Venture Transportation, et. al.

Dear Mr. Clark:

We have an outstanding balance pending for services rendered. Additionally, it is my understanding that you are no longer affiliated with Budget Rental Car. At this point in time, please let me know if you still want us to represent you in this case.

If our billing is not paid off by the end of the month, and if you do not request continued representation, my office will seek to withdraw from this case.

Thank you for your assistance in this matter.

Very truly yours,


STEPHEN V. FINNEN

Exhibit "A"

**STEPHEN V. FINNEN
A LAW CORPORATION**

Post Office Box 1460
Koronia, Pohnpei FM-96941
Federated States of Micronesia
Tel: Country Code 691 320 2871
Fax: 691 320 5502
e-mail: finnen@mail.fm

March 6, 2013

Personal and Confidential
Attorney Client Privilege
Hand Delivered

Mr. Waldis Clark
Pingelap, Pohnpei, FM 96941

Re: Alik v. Venture Transportation, et. al.

Dear Mr. Clark:

We have an outstanding balance pending for services rendered. Enclosed is an updated statement. Additionally, it is my understanding that you are no longer affiliated with Budget Rental Car. At this point in time, my office can no longer represent you in this case, without payment. We will provide you with your file so you may represent yourself.

If our billing is not paid off by the end of the month, and if you do not make arrangements for continued representation, my office will seek to withdraw from this case.

Thank you for your assistance in this matter.

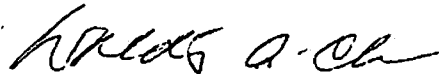
Very truly yours,



STEPHEN V. FINNEN
Enc.

Please acknowledge receipt.

Dated: 3/8/13



Waldis Clark

Exhibit "B"

STEPHEN V. FINNEN A LAW CORPORATION

PO BOX 1450

Kotonia

Pohnpei FM, 96941

Statement

Date	3/5/2013
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To

BUDGET CAR RENTAL
 WALDIS CLARK
 PO BOX
 KOLONIA, POHNPEI FM 96941

Date	Transaction	Amount Due	Amount Enc.
03/07/2012	INV #2012/29 Orig. Amount \$84.00	84.00	
05/07/2012	INV #2012/4/19 Orig. Amount \$326.84	326.84	
05/19/2012	INV #2012/5/30 Orig. Amount \$49.03	49.03	
08/07/2012	INV #2012/7/13 Orig. Amount \$26.06	26.06	
		84.00	
		326.84	
		49.03	
		26.06	
		419.84	
		459.87	
		485.53	
		Balance	
		Amount Due	\$485.93
		Amount Enc.	
		CURRENT	0.00
		1-30 DAYS PAST DUE	0.00
		31-60 DAYS PAST DUE	-0.00
		61-90 DAYS PAST DUE	0.00
		OVER 90 DAYS PAST DUE	485.93
		Amount Due	\$485.93