

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

WJ9

In the Matter of

RICE HILL WATER DISTRICT

Assertion of Jurisdiction pursuant to
ORS 757.

MOTION AND NOTICE OF WITHDRAWAL
AS COUNSEL OF RECORD FOR DANIEL
WEBB

Martinis & Hill, by and through attorney Wesley A. Hill, gives notice that this firm is no longer employed by Mr. Webb. As such, this firm cannot represent Mr. Webb in the above captioned matter and ask the Administrative Law Judge for a ruling that Martinis & Hill and its attorneys be removed as attorneys of record for Mr. Webb in accordance with OAR 860-001-0310 and ORPC 1.16. This motion is supported by the following points and authorities, as well as the attached Declaration of Wesley A. Hill.

POINTS AND AUTHORITIES

Martinis & Hill previously appeared on behalf of Daniel Webb in case WJ9. *See* Hill decl. at ¶1. This firm is no longer employed by Mr. Webb. *Id* at ¶ 2-5. As such, OAR 860-001-0310 and Rule 1.16 of the Oregon Rules of Professional Conduct (ORPC) require that the firm be removed as attorneys of record for Mr. Webb in this case. *See also id.*

Our firm is not aware of any other counsel representing Mr. Webb in this matter, but respectfully request that future notices be given to Mr. Webb in care of attorney Michael Halliday at 715 Commercial Street NE, Salem, Oregon, phone number (503) 588-0556. *See id* at ¶3-5. Mr. Halliday represents a proposed professional trustee who is seeking to administer Mr. Webb's Trust on his behalf. Notice of this motion is being given to Mr. Halliday and to Mr. Webb at his last known address.

CONCLUSION

Martinis & Hill respectfully ask the Administrative Law Judge for a ruling that Martinis & Hill be removed as attorneys of record for Mr. Webb in the above captioned case.

DATED this 28th day of January, 2011.

Martinis & Hill

By: /s/ Wesley A. Hill

Wesley A. Hill, OSB #063619

Attorney for Daniel Webb

CERTIFICATE OF SERVICE

STATE OF OREGON)
) ss.
County of Marion)

I, Wesley A. Hill, hereby certify that I am the attorney for Daniel Webb in this matter; that I served the within and foregoing Notice of Withdrawal as Counsel for Daniel Webb and Declaration of Wesley A. Hill on the following attorneys/parties at their last-known addresses, *to-wit*:

Department of Justice
Jason Jones
Assistant Attorney General
1162 Court Street
Salem, OR 97301

Daniel Webb
940 Mistletoe Loop
Keizer, OR 97303

Kristin Seabrook
Attorney at Law
Pilot Travel Centers, LLC
5508 Lonas Rd.
Knoxville, TN 37909

Amie Jamieson, OSB No. 05439
Ater Wynne LLP
222 SW Columbia, Ste. 1800
Portland, OR 97201

Michael Halliday
Mills, Jacobson and Halliday
715 NE Commercial Street NE
Salem, OR 97304

by placing a true and correct copy thereof, duly certified to be such by me, in a sealed envelope, correctly addressed with postage affixed and fully prepaid, and depositing the same in the U.S. Post Office at Salem, Marion County, Oregon, on the date stated below. Said Attorney resides or has his office at said address. The singular includes the plural.

I certify that I reside and have my office in Salem, Marion County, Oregon.

Dated this 28th day of January, 2011.

MARTINIS & HILL

By: /s/ Wesley A. Hill
Wesley A. Hill, OSB #063619
Attorney for Daniel Webb

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OF OREGON

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ORS 757.

DECLARATION OF WESLEY A. HILL IN
SUPPORT OF MOTION AND NOTICE OF
WITHDRAWAL AS COUNSEL OF RECORD
FOR DANIEL WEBB

I, Wesley A. Hill, state and declare under penalty of perjury:

1. I am an attorney licensed to practice in Oregon and am one of the attorneys of record in the above captioned cause, representing Daniel Webb.

2. In the course of representing Mr. Webb on another matter, a conflict arose which necessitated our firm's withdraw from representing Mr. Webb on any matter, including case WJ9, under the rules of conduct which govern all Oregon attorneys. Mr. Webb was previously notified of our withdrawal of representation.

3. I understand that Salem attorney Michael Halliday of Mills, Jacobson and Halliday currently represents a proposed Trustee who is seeking to administer Mr. Webb's Trust. Mr. Halliday was notified of Administrative Law Judge Grant's status report request. Mr. Halliday asked that the Administrative Law Judge be apprised of his status.

4. Under the circumstances, our firm cannot represent Mr. Webb's interest in the case and should be removed as counsel of record with all further notices being given to Mr. Webb in care of Mr. Halliday at Mills, Jacobson and Halliday, 715 Commercial Street NE, Salem, Oregon 97304. Mr. Halliday can also be contacted by phone at (503) 588-0556.

5. I am not aware of any other counsel representing Mr. Webb in the subject proceeding or any other.

6. I make this declaration on my own personal knowledge and am otherwise competent to testify to the statements contained herein.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY OF PERJURY

DATED this 28th day of January, 2011.

By: /s/ Wesley A. Hill
Wesley A. Hill, OSB #063619
Attorney for Daniel Webb