

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABHISHEK VERMA,

Plaintiff,

-against-

C. EDMONDS ALLEN,

Defendant.

12 Civ. 1182 (ALC)(KNF)

**Declaration of Lynn E. Judell in
Support of Motion to Withdraw as
Counsel for Plaintiff**

LYNN E. JUDELL, an attorney duly admitted to practice law in the State of New York, declares under penalty of perjury as follows:

1. I am counsel to Shechtman Halperin Savage, LLP (“SHS”), attorneys for Plaintiff Abhishek Verma (“Verma” or “Plaintiff”) in this action. I am fully familiar with all of the facts and circumstances herein. I submit this Declaration in support of SHS’ motion to withdraw as counsel for Plaintiff in this action (the “Motion”).

2. This action was commenced on February 15, 2012. In the Complaint, Plaintiff alleged that Defendant C. Edmonds Allen (“Defendant”) breached a written agreement relating to the investment and management of Plaintiff’s personal assets.

3. On or about April 10, 2012, after Defendant failed to timely respond to the Complaint, the clerk of the court, upon Plaintiff’s application, issued a Certificate of Default of Defendant pursuant to Rule 55(a) of the Fed. R. Civ. P. Following issuance of the Certificate of Default, Plaintiff intended to take the next step and move for a default judgment.

4. On June 11, 2012, Magistrate Fox ordered Plaintiff to advise the Court of the status of the matter by June 25, 2012. On June 22, 2012, I advised the Court that Plaintiff was intending to move for a default judgment but that on June 8, 2012, Plaintiff was arrested by the Central Bureau of Investigation ("CBI") in India. I requested an extension of time to file to a motion for a default judgment until Plaintiff's release, believing at the time that Plaintiff would be out of prison in July or August 2012.

5. On June 28, 2012, the Court issued a Memo Endorsed Order directing Plaintiff to file a motion for a default judgment on or before August 30, 2012. Upon further request by Plaintiff (via a letter dated August 29, 2012), Magistrate Fox granted Plaintiff an extension until October 15, 2012 to file the motion.

6. In the meantime, on or about June 25, 2012, Defendant filed an Answer to the Complaint and subsequently (in September 2012) a motion to dismiss the Complaint.

7. Defendant did not request a pre-motion conference with respect to this motion to dismiss and there is no scheduled hearing date.

8. I am not aware of anything on the Court's calendar.

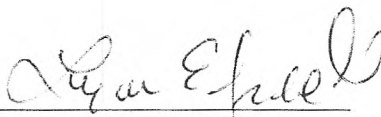
9. I have not been able to communicate with Plaintiff since his incarceration in June 2012. He is still in prison and there is no definite release date.

10. Even before Plaintiff was incarcerated, he ceased paying SHS's legal fees. SHS received only one payment from Plaintiff at the commencement of the matter. There are five outstanding invoices for services rendered from February 2012 through September 2012 that total almost \$20,000. In addition, Plaintiff has provided no assurances that any past fees or fees incurred in the future will be paid.

11. On or about October 8, 2012, I advised Defendant that SHS was intending to make this Motion. Defendant advised me that he consents to this Motion to permit SHS to withdraw as counsel.

WHEREFORE, for the foregoing reasons, I respectfully requests that the Court grant SHS's motion to withdraw as counsel for Plaintiff.

Dated: October 31, 2012
White Plains, New York



Lynn E. Judell