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3 *Admitted Pro Hac Vice*

4 **Carla A. DiMare, Mass. State Bar No. 553432**  
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6 *Admitted Pro Hac Vice*

7 Attorneys for Plaintiff DENNIS MONTGOMERY, THE MONTGOMERY FAMILY TRUST, AND  
THE TRUSTEES OF THE MONTGOMERY FAMILY TRUST.

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 DENNIS MONTGOMERY, and the )  
11 MONTGOMERY FAMILY TRUST, )  
12 Plaintiffs, )  
13 v. )  
14 ETREPPID TECHNOLOGIES, LLC, )  
WARREN TREPP, and the UNITED )  
15 STATES DEPARTMENT OF DEFENSE, )  
16 Defendants. )  
17 \_\_\_\_\_ )  
18 AND ALL RELATED MATTERS. )

3:06-CV-00056-PMP-VPC  
**BASE FILE**  
3:06-CV-00145-PMP-VPC

**DECLARATION OF ATTORNEY IN  
SUPPORT OF EX PARTE MOTION TO  
WITHDRAW AS COUNSEL FOR  
MONTGOMERY.**

19 **DECLARATION OF MICHAEL J. FLYNN**

20 I, Michael J. Flynn, declare:

- 21 1. I am an attorney licensed to practice in the state of Massachusetts. I have appeared pro hac  
22 vice as counsel for Dennis Montgomery, individually and as Trustee of the Montgomery  
23 Family Trust, Brenda Montgomery, as Trustee of the Montgomery Family Trust, and the  
24 Montgomery Family Trust, (hereinafter "Montgomery"), in the above captioned related  
25 cases, 3:06-cv-0056 and 3:06-cv-00145, and 3:06-cv-0263. I have personal knowledge of  
26 the facts stated herein, and if called as a witness, I could and would testify competently to  
27 them.
- 28 2. I respectfully request that I be allowed to withdraw forthwith because Mr. Montgomery and  
his family Trust have "breached an obligation for the payment of fees," and Mr.

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Montgomery has “engaged in conduct that has made continued representation unreasonably difficult.”

3. A copy of these moving papers regarding withdrawal have been e-mailed to Mr. Montgomery at his current e-mail address, and mailed to Mr. Montgomery and his Family Trust at Opspring, LLC.

I declare under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct. Signed this 9th day of July 2007 in Boston, Massachusetts.

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Michael J. Flynn, Esq.

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### CERTIFICATE OF SERVICE

I, Carla A. DiMare, declare: I am an attorney admitted pro hac vice in the United States District Court of Reno in the related civil cases, U.S.D. Reno, No. 3:06-CV-00056 and 3:06-CV-000145. I am over the age of 18 years and not a party to this action.

I am familiar with the practice for the collection of mail, delivery of hand-deliveries, process of facsimile, and the practice of mailing.

On July \_\_\_\_, 2007, I caused the foregoing document (Declaration and this Certificate of Service), to be mailed to the following persons and/or entities:

Attorneys Stephen Peek & Jerry Snyder  
HALE LANE  
5441 Kietzke Lane, 2<sup>nd</sup> Fl.  
Reno, NV 89511

Attorney Carlotta P. Wells,  
U.S. DEPT. OF JUSTICE  
P.O. Box 883  
Washington, D.C. 20044

Dennis Montgomery  
Montgomery Family Trust  
Opspring, LLC  
600 106<sup>th</sup> Ave. N.E., No. 210  
Bellevue, WA 98004-5043  
(Also sent via e-mail)

Ronald J. Logar, Esq.  
Eric Pulver, Esq.\  
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(Also sent via e-mail)

      /S/        
Attorney Carla DiMare