

FILED

August 25, 2022 01:16 PM

ST-2020-CV-00155

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

CIVIL CASE NO.: ST-2020-CV-00155

GHISLAINE MAXWELL,

Plaintiff,

vs.

ESTATE OF JEFFREY E. EPSTEIN,
DARREN K. INDYKE, in his capacity as
EXECUTOR OF THE ESTATE OF JEFFREY
E. EPSTEIN, RICHARD D. KAHN, in his
capacity as EXECUTOR OF THE ESTATE
OF JEFFREY E. EPSTEIN, and NES, LLC, a
New York Limited Liability Company,

Defendants.

MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

Pursuant to V.I. Supreme Court Rule 211.1.16(b) and V.I.R.Civ.P. 6-5, Quintairos, Prieto, Wood & Boyer, P.A. and Kyle R. Waldner, Esq. (collectively, the "Firm"), hereby move to withdraw as counsel of record for Plaintiff GHISLAINE MAXWELL. In support hereof, the Firm states:

1. The Firm was retained as counsel for Plaintiff pursuant to a certain engagement agreement, which required Plaintiff to timely pay the Firm's invoices for services rendered in this matter. The agreement also gave the Firm the right to terminate the engagement and withdraw from this representation for non-payment of any invoice.

2. The Firm provided legal services to Plaintiff in connection with this matter and invoiced Plaintiff for legal fees and expenses incurred. Thereafter, despite repeated requests, Plaintiff has failed to make payments to satisfy the Firm's outstanding invoices. The Firm has

determined that this representation will result in an unreasonable financial burden on it and has been rendered unreasonably difficult by these failures.

3. On August 1, 2022, the Firm notified Plaintiff through her representatives (including her brother, Kevin Maxwell) that unless payment was received, it would seek withdrawal. Having not received the requested payment, on August 16, 2022 the Firm communicated to Plaintiff via certified mail, addressed to FCI Tallahassee, P.O. Box 5000, Tallahassee, FL 32314, with a copy by email to Plaintiff's representatives, that it has terminated its representation of Plaintiff in this matter pursuant to V.I.S.C.T.R. 211.1.16(b) and would withdraw as counsel. The Firm advised that Plaintiff should secure substitute counsel as soon as possible, and that it would arrange for a swift transfer of the file to Plaintiff's new counsel.

4. The termination of the attorney-client relationship is addressed by V.I.S.C.T.R. 211.1.16, which provides in part that, "a lawyer may withdraw from representing the interests of the client if: (1) withdrawal can be accomplished without material adverse effect on the interests of the client; ... (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or (7) other good cause for withdrawal exists."

5. Given the present circumstances, withdrawal at this point can be accomplished without material adverse impact upon Plaintiff,¹ while compelling the Firm to represent a client

¹ Two motions are presently pending: (1) the Estate's Motion to Dismiss Plaintiff's Complaint; and (2) the Government of the Virgin Islands' Motion to Intervene. Both motions are

not paying its invoices would represent an unreasonable financial burden upon it. Accordingly, the Firm should be permitted to withdraw pursuant to V.I.S.CT.R. 211.1.16(b)(1).

6. In support of this motion, pursuant to V.I.R.Civ.P. 6-5, the Firm submits the attached verified statement and updated civil litigant data form for Plaintiff. Further, as reflected in the certificate of service below, these moving papers will be served upon Plaintiff via U.S. Mail.

WHEREFORE, the Firm respectfully asks this Court to grant it leave to withdraw its appearance on behalf of Plaintiff, to relieve and absolve it of further responsibility in this matter, to stay all existing deadlines for sixty (60) day to afford Plaintiff time to obtain new counsel, and grant such other and further relief as this Court deems proper and just.

Dated: August 25, 2022

Respectfully submitted,

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
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V.I. Bar No.: 1038

fully briefed. The parties have not yet had a Rule 16 conference and discovery has not yet commenced. Given the posture of this matter, the Firm's withdrawal can be accomplished without material adverse effect on Plaintiff because there is time for new counsel to appear and get up to speed before the discovery phase in this matter commences. In an abundance of caution, the Firm further requests that the Court enter a sixty (60) day stay of this matter to afford Plaintiff time to obtain new counsel.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 25, 2022, I filed the foregoing, which complies with the page or word limitation set forth in Rule 6-1(e), with the Clerk of the Court using the Court's electronic filing system, which will send a notice of such filing to the following:

Christopher Allen Kroblin, Esq.
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Ariel M. Smith, Esq. (AAG)
VIRGIN ISLANDS DEPARTMENT OF JUSTICE
Office of the Attorney General
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St. Thomas, U.S. Virgin Islands 00802
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1533 Appling Dr.
Mt. Pleasant, SC 29464
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I will also cause a copy of the foregoing motion to be served by U.S. Mail to:

Ms. Ghislaine Maxwell
Register Number: 02879-509
FCI Tallahassee
Federal Correctional Institution
P.O. Box 5000
Tallahassee, FL 32314

/s/ Kyle R. Waldner
Kyle R. Waldner, Esq.