UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Plaintiff,

:

v. : Criminal No. 08-371 (JR)

: UNDER SEAL

STEWART NOZETTE : Status Hearing: April 30, 2009

Defendant. :

UNOPPOSED MOTION TO WITHDRAW AS COUNSEL

Pursuant to Local Criminal Rule 44.5, undersigned counsel for Defendant, Dr. Stewart Nozette, respectfully move to withdraw as counsel for Dr. Nozette. In support of this motion, undersigned counsel represent the following:

- Undersigned counsel represented Dr. Nozette when he appeared before
 this Court and entered a guilty plea to a two-count information on January 30, 2009.
 Undersigned counsel have continued to represent Dr. Nozette following the entry of his
 guilty plea.
- 2. On April 14, 2009, Dr. Nozette advised undersigned counsel that he was in the process of retaining new counsel, specifically, Bradford A. Berenson of the law firm of Sidley Austin LLP, to represent him.

¹ Pursuant to this Court's Order of December 17, 2008, this motion is filed under seal, and should be placed under seal by the Criminal Clerk's office pending further Order of this Court.

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- Mr. Berenson entered an appearance on behalf of Dr. Nozette on April 23,
 2009. Undersigned counsel was advised of this on April 28, 2009.
- 4. Prior to Mr. Berenson's entry of appearance, undersigned counsel discussed the background and status of this case, as well as the status of Dr. Nozette's cooperation efforts, with Mr. Berenson and one of his colleagues, Cara Viglucci Lopez. In addition, undersigned counsel have provided copies of court filings and correspondence related to Dr. Nozette's plea to Mr. Berenson and Ms. Viglucci Lopez.
- 5. Pursuant to Local Criminal Rule 44.5, counsel provided advance notice of this filing to Dr. Nozette. Dr. Nozette does not object to the withdrawal of the undersigned as his counsel in this case. Likewise, counsel contacted counsel for the United States, AUSA Michael Atkinson, who advised counsel that he did not object to counsels' withdrawal.
- 6. Given that no sentencing date has been set and that any outstanding issues can be addressed capably by Dr.Nozette's new counsel, neither the Court nor the parties will be prejudiced by counsels' withdrawal.

Dated: April 29, 2009

Respectfully submitted,

Preston Burton, DC Bar No. 426378 Christopher O'Connell, DC Bar No. 495495

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Counsel for Stewart Nozette

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2009, I filed under seal the foregoing Unopposed Motion to Withdraw as Counsel and proposed Order with the Criminal Clerk of the United States District Court for the District of Columbia by hand delivery. In addition, copies of this motion and proposed Order were electronically delivered to the following:

Michael K. Atkinson **Assistant United States Attorney** Fraud and Public Corruption Section 555 Fourth Street, NW Washington, DC 20530

Bradford A. Berenson Sidley Austin LLP 1501 K Street, NW Washington, DC 20005

Stewart Nozette Xxx Chevy Chase, MD xxx²

Christopher M. O'Connell (DC Bar No. 495495)

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² This information is being redacted pursuant to the Judicial Conference of the United States and the E-Government Act of 2002, as amended.