

1 **AMERICAN CIVIL LIBERTIES UNION**
2 **FOUNDATION OF ARIZONA**
3 Christine K. Wee, State Bar No. 028535
4 2712 N. 7th Street
5 Phoenix, Arizona 85006
6 Telephone: (602) 650-1854
7 E-Mail: cwee@acluaz.org

8 **ZWILLINGER WULKAN PLC**
9 Benjamin L. Rundall, State Bar No. 031661
10 Alexis Eisa, State Bar No. 038702
11 2020 North Central Avenue, Suite 675
12 Phoenix, Arizona 85004
13 Telephone: (602) 962-2969
14 E-Mail: ben.rundall@zwfirm.com
15 alexis.eisa@zwfirm.com

16 *Attorneys for Plaintiffs*

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
Leah Watson, admitted *pro hac vice*
125 Broad Street, 18th Floor
New York, NY 10004
Telephone: (212) 549-2500
E-mail: lwatson@aclu.org

Scout Katovich, admitted *pro hac vice*
425 California Street, Suite 700
San Francisco, CA 94104
Telephone: (212) 549-2500
E-Mail: skatovich@aclu.org

GOODWIN PROCTER LLP
Andrew Kim, admitted *pro hac vice*
Collin M. Grier, admitted *pro hac vice*
Madeline Fuller, admitted *pro hac vice*
1900 N Street, N.W.
Washington, D.C. 20036
Telephone: 202-346-4000
E-Mail: AndrewKim@goodwinlaw.com
CGrier@goodwinlaw.com
MFuller@goodwinlaw.com

Courtney L. Hayden, admitted *pro hac vice*
100 Northern Avenue
Boston, MA 02210
Telephone: 617-570-1000
E-Mail: CHayden@goodwinlaw.com

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF ARIZONA**

19 Fund for Empowerment, *et al.*,
20 Plaintiffs,
21 v.
22 City of Phoenix, *et al.*,
23 Defendants.

No. CV-22-02041-PHX-GMS

MOTION TO WITHDRAW AS
COUNSEL WITHOUT CLIENT
CONSENT

24 Pursuant to LRCiv 83.3(b)(2), Benjamin L. Rundall, and Alexis Eisa of the law firm
25 Zwillinger Wulkan PLC, Christine K. Wee of the American Civil Liberties Union
26 Foundation of Arizona, Leah Watson and Scout Katovich of the American Civil Liberties
27 Union Foundation, Andrew Kim, Collin M. Grier, Madeline Fuller, and Courtney L.
28 Hayden of Goodwin Procter LLP, respectfully request that this Court permit their

1 withdrawal as counsel of record for Fund For Empowerment, Faith Kearns, Frank Urban,
2 Ronnie Massingille, Timothy James, Papy Abdul Idrissa, Dyrwood Moore, Jason Rich, and
3 Mohamed Sissoho (collectively “Plaintiffs”).

4 Professional considerations require the termination of representation. *See* E.R. 1.16;
5 *see also* Ariz. State Bar Comm. on Rules of Prof. Conduct, Formal Op. 09-02 (2009) (“ER
6 1.16 does not relieve the withdrawing lawyer from the duties of confidentiality set forth in
7 ER 1.6. This Committee cautions the withdrawing lawyer to carefully review and follow
8 ER 1.6 during the withdrawal process.”). Pursuant to LRCiv 83.3(b)(2), a certificate is
9 attached below and signed by counsel confirming that Fund For Empowerment, Faith
10 Kearns, and Frank Urban have “been notified in writing of the status of the case including
11 the dates and times of any court hearings or trial settings, pending compliance with any
12 existing court orders and the possibility of sanctions.” That same certificate also confirms
13 which clients “cannot be located.” *Id.*

14 It is further requested that the deadlines in this matter be suspended for **sixty (60)**
15 days to provide Plaintiffs with an opportunity to obtain new counsel. Should the Court
16 require additional information before granting counsel’s request to withdraw, the
17 undersigned counsel respectfully request that they be permitted to provide such information
18 *in camera* and *ex parte*, so as to protect Plaintiffs’ interests and the confidentiality of the
19 Plaintiffs’ communications with their counsel. *See* E.R. 1.16; *Maricopa Cnty. Public*
20 *Defender’s Office v. Sup. Ct. in and for Cnty. of Maricopa*, 187 Ariz. 162, 166-67 (1996).
21 If this Court grants counsel’s request for leave to withdraw, all future filings, mailing,
22 notices, or correspondence should be sent directly to Fund for Empowerment (in the care
23 of its organizational representative, Elizabeth Venable), Faith Kearns, and Frank Urban, at
24 the contacts listed below:

25 Fund for Empowerment
26 c/o Elizabeth Venable
info@fundforempowerment.org

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Faith Kearns
Kearnsfaith108@gmail.com

Frank Urban
Frankurban96@gmail.com

As explained in the attached certificate of compliance, the undersigned counsel are unable to reach the remaining plaintiffs (and they do not have the remaining plaintiffs' contact information).

RESPECTFULLY SUBMITTED this 2nd day of January, 2026.

By: /s/ Benjamin Rundall

Benjamin L. Rundall
Alexis Eisa
2020 North Central Ave., Suite 675
Phoenix, Arizona 85004-2556
ZWILLINGER WULKAN

Andrew Kim *pro hac vice*
Collin M. Grier *pro hac vice*
Madeline Fuller *pro hac vice*
1900 N Street, N.W.
Washington, D.C. 20036

Courtney L. Hayden *pro hac vice*
100 Northern Avenue
Boston, MA 02210
GOODWIN PROCTER LLP

Christine K. Wee
2712 N. 7th Street
Phoenix, Arizona 85006
AMERICAN CIVIL LIBERTIES
UNION OF ARIZONA

Scout Katovich, *pro hac vice*
425 California Street, Suite 700
San Francisco, CA 94104

Leah Watson, *pro hac vice*
125 Broad Street, 18th Floor
New York, New York 10004
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE WITH RULE 83.3(b)(2)

Pursuant to LRCiv 83.3(b)(2), undersigned counsel confirms Fund For Empowerment, Faith Kearns, and Frank Urban have been notified in writing of the status of the case including the dates and times of any court hearings or trial settings, pending compliance with any existing court orders and the possibility of sanctions. Pursuant to LRCiv 83.3(b)(2), undersigned counsel confirms Ronnie Massingille, Timothy James, Papy Abdul Idrissa, Dyrwood Moore, Jason Rich, and Mohamed Sissoho cannot be located.

By: /s/ *Benjamin Rundall*

Benjamin L. Rundall
Alexis Eisa
2020 North Central Ave., Suite 675
Phoenix, Arizona 85004-2556
ZWILLINGER WULKAN

Andrew Kim *pro hac vice*
Collin M. Grier *pro hac vice*
Madeline Fuller *pro hac vice*
1900 N Street, N.W.
Washington, D.C. 20036

Courtney L. Hayden *pro hac vice*
100 Northern Avenue
Boston, MA 02210
GOODWIN PROCTER LLP

Christine K. Wee
2712 N. 7th Street
Phoenix, Arizona 85006
AMERICAN CIVIL LIBERTIES
UNION OF ARIZONA

Scout Katovich, *pro hac vice*
425 California Street, Suite 700
San Francisco, CA 94104

Leah Watson, *pro hac vice*
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New York, New York 10004
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2026, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Justin S. Pierce (State Bar # 022646)
Trish Stuhan (State Bar # 027218)
Stephen B. Coleman (State Bar # 021715)
PIERCE COLEMAN PLLC
17851 N. 85th Street, Suite 175
Scottsdale, Arizona 85255
Tel. (602) 772-5506
Fax (877) 772-1025
Justin@PierceColeman.com
Trish@PierceColeman.com
Steve@PierceColeman.com

Attorneys for Defendants

/s/ Brittany T.