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*Attorneys for Defendant Curtis DeYoung*

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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiffs,

vs.

AMERICAN PENSION SERVICES, INC., a  
Utah Corporation and CURTIS L. DeYOUNG,  
an individual,

Defendants.

**MOTION FOR WITHDRAWAL OF  
COUNSEL**

Case No.: 2:14-cv-00309

Judge: Robert Shelby  
Magistrate Judge: Dustin B. Pead

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Pursuant to DUCivR 83-1.3, Paul T. Moxley, Thomas J. Burns, Z. Ryan Pahnke, Joshua D. Chandler, Durham Jones & Pinegar, P.C. (“Counsel”), hereby move to withdraw as counsel for:

Client Name: Curtis L. DeYoung (“Client”)

Address: 12231 South 1950 East

City, State, Zip: Draper, UT 84020

Telephone Number(s): (385) 216-2609

E-Mail Address: curtisdeyoung@outlook.com

The reasons for withdrawal are as follows:

Because of the broad reach of the Freeze Order that was entered in this case on April 28, 2014, Client's ability to meet his obligations to pay for ongoing representation by Counsel is dependent entirely upon the Court's decision to grant DeYoung's Third Motion to Release Funds for Payment of Attorney Fees (the "Third Motion"). If the Third Motion is denied, Client will not be able to pay Counsel for work already completed on Client's behalf or for any work completed hereafter.

In the event this motion is granted, Client or new counsel for Client must file a notice of appearance within twenty-one (21) days after entry of the order, unless otherwise ordered by the court. Pursuant to Utah DUCivR 83-1.3, no corporation, association, partnership, limited liability company or other artificial entity may appear pro se, but must be represented by an attorney who is admitted to practice in this court.

This motion is made with the client's consent, which is attached to this motion.

This motion is made without the client's consent and is accompanied by:

certification that Client has been served with (i) a copy of this motion, (ii) the attached written description of the status of the case, including the dates and times of any scheduled court proceedings, pending compliance with any existing court orders, and the possibility of sanctions; or

\_\_\_ certification that the Client cannot be located or, for any other reason, cannot be notified of the pendency of the motion and the status of the case.

X The undersigned certifies

X no trial date is set; or

\_\_\_ trial is set for \_\_\_\_\_ and

\_\_\_ a certification signed by the substituting attorney is attached, indicating such attorney has been advised of the trial date and will be prepared for trial; or

\_\_\_ a certification signed by Counsel is attached indicating that Client is prepared for trial as scheduled and is eligible pursuant to DUCivR 83-1.3 to appear pro se at trial; or

\_\_\_ the following specific facts justify withdrawal of counsel without present appearance of substitute counsel or appearance by the individual party:

X The form of an order is attached to this motion and has been submitted in word format by email to the presiding judge in this case.

**CERTIFICATION**

Counsel hereby certifies that a copy of this **MOTION FOR WITHDRAWAL OF**

**COUNSEL** has been sent to Client at the address indicated above.

Dated: November 25, 2014.

Respectfully submitted,  
**Durham Jones & Pinegar**

*/s/ Paul T. Moxley* \_\_\_\_\_

Paul T. Moxley

Thomas J. Burns

Z. Ryan Pahnke

Joshua D. Chandler

**Counsel for Curtis L. DeYoung**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> of November, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification to counsel of record in this matter.

/s/ Paul T. Moxley