

STATE OF NORTH CAROLINA  
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
19 CVS 8163

STEVEN MCRAE,

Plaintiff,

v.

KYLE RUSSELL CURTIS,

Defendant.

**MOTION FOR LEAVE TO  
WITHDRAW AS COUNSEL**

Pursuant to Rule 16 of the General Rules of Practice for the Superior and District Courts, Ellis & Winters LLP, and its attorney Scottie Forbes Lee, respectfully move the Court for leave to withdraw as counsel for defendant Kyle Russell Curtis.

In support of this motion, Ellis & Winters states the following:

1. An attorney who has made an appearance in a case may withdraw from representation with justifiable cause, reasonable notice to the client, and permission of the Court. N.C. Gen. R. Practice 16.

2. Rule 1.16(b) of the North Carolina Rules of Professional Conduct further defines when an attorney may withdraw from representing a client. *See* N.C. R. Prof'l Conduct 1.16(b). Four circumstances listed in Rule 1.16(b) apply here.

3. First, a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client. *Id.* R. 1.16(b)(1).

4. Second, a lawyer may withdraw from representing a client if the client insists upon taking action that the lawyer considers repugnant, imprudent, or contrary to the advice and judgment of the lawyer, or with which the lawyer has a fundamental disagreement. *Id.* R. 1.16(b)(4).

5. Third, a lawyer may withdraw from representing a client if the representation has been rendered unreasonably difficult by the client. *Id.* R. 1.16(b)(7).

6. Fourth, a lawyer may withdraw from representing a client if other good cause for withdrawal exists. *Id.* R. 1.16(b)(9).

7. Ellis & Winters represents that each of the four grounds for withdrawal listed above applies here.

8. Ellis & Winters has conferred with counsel for plaintiff Steven McRae concerning this motion. Mr. McRae, through his counsel, consents to the relief sought in this motion.

9. Ellis & Winters has attempted to seek the position of defendant Kyle Russell Curtis concerning this motion, but has not received a response.

For these reasons, Ellis & Winters LLP, and its attorney Scottie Forbes Lee, respectfully request that the Court enter an order allowing them to withdraw from representing Mr. Curtis in this case. A proposed order accompanies this motion.

This 22nd day of October, 2020.

ELLIS & WINTERS LLP

/s/ Scottie Forbes Lee

Scottie Forbes Lee

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## CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing has been served on all counsel of record in accordance with Business Court Rule 3.9 through electronic filing with the North Carolina Business Court. The foregoing has been served on the defendant, Kyle Russell Curtis, by first-class mail and email at the following addresses:

Kyle Russell Curtis  
1532 Providence Church Road  
Pleasant Garden, NC 27313  
[kylercurtis@gmail.com](mailto:kylercurtis@gmail.com)

This the 22nd day of October, 2020.

By: /s/ Scottie Forbes Lee  
Scottie Forbes Lee