

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: JEFFREY K. OING J.S.C. Justice

PART 48

Index Number : 651479/2010
SMART WIN INTERNATIONAL
vs.
EMPIRE ENERGY CORPORATION
SEQUENCE NUMBER : 003
SUBST/RELIEVE/WITHDRAW COUNSEL

INDEX NO.
MOTION DATE
MOTION SEQ. NO.

The following papers, numbered 1 to , were read on this motion to/for

Notice of Motion/Order to Show Cause — Affidavits — Exhibits No(s).
Answering Affidavits — Exhibits No(s).
Replying Affidavits No(s).

Upon the foregoing papers, it is ordered that this motion is

Motion is decided in accordance of the
accompanying memorandum decision/order
of the Court.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):

Dated: 5/24/12

JEFFREY K. OING J.S.C.

- 1. CHECK ONE: CASE DISPOSED
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED DENIED GRANTED IN PART OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER SUBMIT ORDER
DO NOT POST FIDUCIARY APPOINTMENT REFERENCE

-----x
SMART WIN INTERNATIONAL LIMITED,

Plaintiff,

-against-

EMPIRE ENERGY CORPORATION INTERNATIONAL
and MALCOLM BENDALL,

Defendants.
-----x

Index No.: 651479/10

Mtn Seq. No. 003

DECISION AND ORDER

JEFFREY K. OING, J.:

The motion to withdraw as counsel for defendants, Empire Energy Corporation International and Malcolm Bendall, is granted without opposition. Former counsel, Paul Batista, P.C., is hereby relieved upon complying with the following conditions. Former counsel shall serve a copy of this order upon the former clients at their last known address by certified mail, return receipt requested, and upon attorneys for all other parties by regular mail. Together with the copy of this order, former counsel shall forward a notice directing the former clients to appoint a substitute attorney within 60 days after service of this notice. No further proceedings may be taken against the former clients without leave of this Court for a period of 60 days after service on the former clients of the aforesaid notice to appoint a substitute attorney. Upon expiration of the 60 day stay, plaintiff's counsel shall telephone Part 48 (646-386-3265) to schedule a status conference.

This memorandum opinion constitutes the decision and order of the Court.

Dated: 5/24/12



HON. JEFFREY K. OING, J.S.C.