

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Scott A. Meehan, Esq. sbn#139314 23852 Pacific Coast Highway, #299 Malibu, CA 90265 TELEPHONE NO.: (310) 317-0717 FAX NO.: (310) 317-0917 ATTORNEY FOR (Name): defendant EV Innovations, Inc.	FOR COURT USE ONLY CASE NUMBER: CIV 481807
NAME OF COURT: San Mateo Superior Court STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City 94063-1655 BRANCH NAME: Southern	
CASE NAME: Barrett Lyon v. EV Innovations, Inc.	HEARING DATE: April 22, 2010 DEPT.: 6 TIME: 9:00 a.m. BEFORE HON.: Cretan DATE ACTION FILED: 3/3/09 TRIAL DATE: 6/2/10
NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL—CIVIL	

TO (name and address of client): Stacey Fling, CEO and President, EV Innovations, Inc., 4894 Lone Mountain Road, #168, Las Vegas, Nevada 89130

1. PLEASE TAKE NOTICE that (name of withdrawing attorney): Scott A. Meehan, Esq. moves under California Code of Civil Procedure section 284(2) and California Rules of Court, rule 3.1362, for an order permitting the attorney to be relieved as attorney of record in this action or proceeding.

2. A hearing on this motion to be relieved as counsel will be held as follows:

a. Date: April 22, 2010	Time: 9:00 a.m.	Dept.: 6	Room:
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b. The address of the court: same as noted above other (specify):

3. This motion is supported by the accompanying declaration, the papers and records filed in this action or proceeding, and the following additional documents or evidence (specify):

(This motion does not need to be accompanied by a memorandum of points and authorities. Cal. Rules of Court, rule 3.1362.)

4. The client presently represented by the attorney is

- | | |
|--|--|
| a. <input type="checkbox"/> an individual. | g. <input type="checkbox"/> a trustee. |
| b. <input checked="" type="checkbox"/> a corporation. | h. <input type="checkbox"/> a personal representative. |
| c. <input type="checkbox"/> a partnership. | i. <input type="checkbox"/> a probate fiduciary. |
| d. <input type="checkbox"/> an unincorporated association. | j. <input type="checkbox"/> a guardian ad litem. |
| e. <input type="checkbox"/> a guardian. | k. <input type="checkbox"/> other (specify): |
| f. <input type="checkbox"/> a conservator. | |

(Continued on reverse)

CASE NAME: Barrett Lyon v. EV Innovations, Inc.	CASE NUMBER: CIV 481807
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NOTICE TO CLIENT

If this motion to be relieved as counsel is granted, your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

5. If this motion is granted and a client is representing himself or herself, the client will be solely responsible for the case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, you will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.

6. If this motion is granted, the client must keep the court informed of the client's current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, the court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

Date: 3/19/10

Scott A. Meehan

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY)

Attorney for (name): EV Innovations, Inc.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Scott A. Meehan, Esq. sbn#139314 23852 Pacific Coast Highway, #299 Malibu, CA 90265 TELEPHONE NO.: (310) 317-0717 FAX NO.: (310) 317-0917 ATTORNEY FOR (Name): defendant EV Innovations, Inc.	FOR COURT USE ONLY
NAME OF COURT: San Mateo County Superior Court STREET ADDRESS: 400 County Center MAILING ADDRESS: CITY AND ZIP CODE: Redwood City 94063 BRANCH NAME: Southern	
CASE NAME: Barrett Lyon v. EV Innovations, Inc.	CASE NUMBER: CIV 481807
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL	HEARING DATE: April 22, 2010 DEPT.: 6 TIME: 9:00 a.m. BEFORE HON.: Cretan DATE ACTION FILED: 3/3/09 TRIAL DATE: 6/2/10

1. **Attorney and Represented Party.** Attorney (name): Scott A. Meehan, Esq. is presently counsel of record for (name of party): EV Innovations, Inc. in the above-captioned action or proceeding.

2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (describe):

Defendant EV Innovations, Inc. has failed to pay me fees and costs incurred in this action and has been arrears on such fees and costs for several months. With this motion to be relieved as counsel, I have served EV Innovations, Inc. with an Notice of Client's Right to Arbitrate in advance of filing a lawsuit against EV Innovations, Inc. Further, for the past ten (10) days, I have not been able to reach any personnel of EV Innovations, Inc. and none of my telephone calls have been returned. Without communication with the client, it is impossible to represent it and, in addition, with the initiation of legal proceedings against the client, the relationship would be too strained to continue as effective counsel.

Continued on Attachment 2.

3. **Service**

a. Attorney has

- (1) personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
 (2) served the client by mail at the client's last known address with copies of the motion papers served with this declaration.

b. If the client has been served by mail at the client's last known address, attorney has

- (1) confirmed within the past 30 days that the address is current
 (a) by mail, return receipt requested.
 (b) by telephone.
 (c) by conversation.
 (d) by other means (specify):

(Continued on reverse)

Page 1 of 2

CASE NAME: Barrett Lyon v. EV Innovations, Inc.	CASE NUMBER: CIV 481807
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3. b. (2) been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
- (a) mailing the motion papers to the client's last known address, return receipt requested.
 - (b) calling the client's last known telephone number or numbers.
 - (c) contacting persons familiar with the client (*specify*):
 - (d) conducting a search (*describe*):
 - (e) other (*specify*):
- c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):
4. The next hearing scheduled in this action or proceeding
- a. is not yet set.
 - b. is set as follows (*specify the date, time, and place*):
5/10/10, at 9:30 a.m. in Department 7 of the above-titled court
 - c. concerns (*describe the subject matter of the hearing*):
Mandatory Settlement Conference
- Continued on Attachment 4.
5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each, describe the date, time, place, and subject matter*):
- Jury Trial is set for 6/2/10 at 9:00 a.m. in Department 24 of the above-titled court.
- Continued on Attachment 5.
6. Trial in this action or proceeding
- a. is not yet set.
 - b. is set as follows (*specify the date, time, and place*):
6/2/10 at 9:00 a.m. in Department 24 of the above-titled court
7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: March 19, 2010

Scott A. Meehan

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

8. Number of pages attached: 0