

**NO. 15-01226-393**

**MIYUKI RYAN**  
**Plaintiff,**

**V.**

**CORNELIUS JOHNSON III**  
**Defendant.**

§ **IN THE DISTRICT COURT**  
§  
§  
§ **393RD JUDICIAL DISTRICT**  
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§  
§ **OF DENTON COUNTY, TEXAS**

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**MOTION TO WITHDRAW AS COUNSEL**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Kip H. Allison, counsel, as Movant herein and brings this *Motion to Withdraw as Counsel*, and in support hereof show the court the following:

Good cause exists for withdrawal of Kip H. Allison as counsel to Plaintiff.

1. This case is set for a four day jury trial to begin on January 14, 2019. Allison as suffered a disability that renders him unable to conduct the trial or continue legal representation of the client in this matter.

2. Plaintiff sued Defendant for breach of contract.

***A. Plaintiff's Attorney Suffered Disability***

3. Beginning in July 2018, Counsel for Plaintiff, Kip H. Allison, suffered a series of medical infections in his inner ear leaving him with such diminished hearing that he can no longer competently represent clients in legal proceedings.

4. These medical conditions were treated by specialist, including surgical procedures, attempting to stay and recover the damage done to the hearing. None of the procedures were successful. After exhausting medical opportunities through October 2018, Allison attempted to continue his practice, but learned he was no longer capable of competent representation with the diminished hearing.

5. On or about November 1, 2018, Allison made the decision to close his law practice and began the process of finding new counsel for current cases and withdrawing from cases still active. On November 31, 2018, Allison closed his legal offices, but continued to work with his clients to transfer his cases.

6. Allison contacted several competent attorney's to review this pending matter, but because of the holidays and existing schedules was unable to secure new counsel in a timely manner. During this same period, Allison attended several hearings trying to complete cases for clients and became acutely aware his hearing deficiency impaired his abilities in court.

7. Contemporaneously with this motion to withdraw as attorney of record, Allison has filed a motion to continue the current trial date, to allow Plaintiff to find new counsel.

#### ***B. Discovery Order***

8. There is a current Discovery Order in this matter. All discovery has been conducted and completed.

9. Other than the current trial date, there are no other pending hearing dates in this matter.

10. Plaintiff's current address is 6005 Rock Ridge Dr., Flower Mound, TX 75028. Plaintiff can be provided notice at [msmiyuki1@gmail.com](mailto:msmiyuki1@gmail.com).

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Miyuki Ryan, Movant herein, and Counsel Allison, requests this Court to grant this motion to withdraw, and grant a continuance for a reasonable time to retain new counsel and for such other and further relief that may be awarded at law or in equity.

Respectfully submitted,

**ALLISON | ASSOCIATES**  
5600 Tennyson Parkway, Ste. 330  
Plano, TX 75024  
Tel: (972) 608-4300  
Fax: (972) 608-4301

*/s/ Kip Allison*

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**Kip H. Allison**  
State Bar No. 00789117  
Kip@allison-law.com  
*Attorneys for Miyuki Ryan*

**Declaration**

I certify that the factual contentions contained in paragraphs 3-10 are true and correct and within my personal knowledge.

*/s/ Kip H. Allison*

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Kip H. Allison

**Certificate of Conference**

I certify that on January 7, 2019, I contacted defense counsel Brandon Smith by email and provided the information and facts contained in this motion. Mr. Smith did not respond and no agreement was reached concerning this request.

*/s/ Kip H. Allison*

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Kip H. Allison

**Certificate of Service**

I certify that on January 8, 2019, a true and correct copy of this motion for continuance was served on Brandon Smith via electronic filing manager.

*/s/ Kip H. Allison*

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Kip H. Allison