

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MICHAEL EICHLER, and all other similarly)
Situated individuals,)

Plaintiffs,)

v.)

Civil Action No. 22-1574-CFC-SRF

VBIT TECHNOLOGIES CORP., VBIT MINING)
LLC, ADVANCED MINING GROUP, DANH)
CONG VO a/k/a DON VO, PHUONG D VO a/k/a)
KATIE VO, SEAN TU, JIN GAO, and JOHN DOE)
INDIVIDUALS,)

Defendants.)

MEMORANDUM ORDER

At Wilmington this **26th** day of **June, 2023**, the court having considered the unopposed motion of Brett M. McCartney, Elizabeth A. Powers, and Ronald P. Golden III (collectively, the “Movants”) to withdraw as counsel (the “Motion”) for defendant Sean Tu on behalf of themselves and Bayard P.A., (D.I. 36), and the accompanying declaration of Sean Tu confirming his intention to represent himself *pro se*, (D.I. 37), IT IS ORDERED that the Motion is GRANTED for the following reasons.

1. Background. On June 8, 2023, the Movants filed the pending Motion along with the declaration of Sean Tu. (D.I. 36; D.I. 37) The court entered an Order scheduling a hearing on the Motion for June 26, 2023. (D.I. 38) At the hearing, the Movants represented that Sean Tu confirmed his desire to represent himself *pro se* and terminate the Movants’ representation of him. (D.I. 36) Sean Tu attended the hearing and confirmed the same.

2. Legal standard. “In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are

permitted to manage and conduct causes therein.” 28 U.S.C. § 1654. “[A] party seeking to assert his statutory right to self-representation must clearly and unequivocally discharge any lawyer previously retained.” *Eisenmann v. Ford Motor Co.*, C.A. No. 20-575-MN, 2021 WL 6844786, at *1 (D. Del. Sept. 30, 2021).

3. **Analysis.** Sean Tu has satisfied the standard for self-representation by submitting his declaration confirming his desire to terminate the representation of Bayard, P.A., his lack of objection to the Motion, and his intention to represent himself *pro se*. (D.I. 37)

4. **Conclusion.** For the foregoing reasons, IT IS ORDERED that:

- a. The Motion is GRANTED pursuant to D. Del. LR 83.7.
- b. The Movants and the law firm of Bayard P.A. are permitted to withdraw as counsel of record for Sean Tu and are relieved of any and all further obligations on behalf of Sean Tu.
- c. All future pleadings, motions, discovery, and any and all other communications concerning this matter will be addressed to Sean Tu at:

Mr. Sean Tu 1390 Braun Court Eagan, MN 55123	Saj.tu@outlook.com
--	--------------------

5. IT IS FURTHER ORDERED that the Movants shall serve a copy of this Order upon Sean Tu by certified mail and electronic mail, with a read receipt.

6. This Memorandum Order is filed pursuant to 28 U.S.C. § 636(b)(1)(A), Fed. R. Civ. P. 72(a), and D. Del. LR 72.1(a)(2). The parties may serve and file specific written objections within fourteen (14) days after being served with a copy of this Memorandum Order. Fed. R. Civ. P. 72(a). The objections and responses to the objections are limited to two (2) pages each.

7. The parties are directed to the court's Standing Order For Objections Filed Under Fed. R. Civ. P. 72, dated March 7, 2022, a copy of which is available on the court's website, www.ded.uscourts.gov.



Sherry R. Fallon
United States Magistrate Judge