

J.B. VAN HOLLEN,

Plaintiff,

Case No. 08-CV-4085

vs.

GOVERNMENT ACCOUNTABILITY BOARD,
THOMAS CANE, GERALD NICHOL,
MICHAEL BRENNAN, WILLIAM EICH,
VICTOR MANIAN, GORDON MYSE,
KEVIN J. KENNEDY and NATHANIEL E. ROBINSON.

Defendants.

NOTICE OF MOTION AND MOTION FOR
DISQUALIFICATION OF PLAINTIFF'S COUNSEL
AND FOR STAY OF PROCEEDINGS

To: J.B. Van Hollen
c/o Attorneys Steven P. Means and Charles D. Hoornstra
State of Wisconsin Department of Justice
17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857

PLEASE TAKE NOTICE that Defendants will bring on the following Motion for Disqualification of Plaintiff's Counsel and Stay of Proceedings before the Honorable Maryann Sumi, Dane County Circuit Court Judge, on September 18, 2008 at 11:00 a.m. or at a time and place to be determined by the Court:

Defendants hereby move for an Order from the Court disqualifying Attorney General J.B. Van Hollen and all attorneys at the Wisconsin Department of Justice from representing the Plaintiff in this matter and staying all proceedings until this motion is decided. As grounds for this motion, Defendants respectfully represent that they are current clients of Wisconsin Attorney General J.B. Van Hollen and attorneys at the Wisconsin Department of Justice in at least two other matters, that they have not consented to being sued by the Attorney General or any of his deputies or assistants, and that representation of the Plaintiff by the Attorney General, his deputies or assistants in this matter against the Defendants is a violation of those attorneys' ethical duty of undivided loyalty to their current clients, as enunciated in Supreme Court Rules 20:1.7(a) and 20:1.10. The grounds for this motion are more fully set forth in the Brief in Support of Defendants' Motion for Disqualification of Plaintiff's Counsel and for Stay of Proceedings and the Affidavit of Kevin Kennedy which are filed herewith.

Dated this 16th day of September, 2008.

CULLEN WESTON PINES & BACH LLP

By:  _____

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