

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
NO. 5:19-CR-22-MOC-DSC**

**UNITED STATES OF AMERICA**

v.

**GREG. G. LINDBERG, ET AL.**

*Defendants.*

**MOTION TO BE  
RELIEVED AS COUNSEL  
AND MOTION TO RENDER  
GARCIA HEARING AS  
MOOT**

Brian S. Cromwell and Sarah F. Hutchins of the law firm Parker Poe Adams & Bernstein LLP (“Counsel”), hereby move, pursuant to Rule 1.16(b) of the North Carolina Rules of Professional Responsibility and Local Civ. Rule 83.1(F), for an order relieving them as counsel of record for Defendant John D. Gray (the “Defendant”).

Counsel affirms that good cause for withdraw exists under Rule 1.16(b)(1), (6), (7) and (9) of the North Carolina Rules of Professional Responsibility. The Defendant, through Eli Global, LLC (“Eli Global”), the entity indemnifying his legal fees, has failed substantially to fulfill an obligation to Counsel regarding Counsel’s services. In addition, the representation will result in an unreasonable financial

burden on Counsel. Upon request, Counsel will provide the Court with additional information for *in camera* review concerning their grounds to withdraw.

Counsel for the Defendant has communicated with the counsel for the United States and counsel for co-defendant Greg Lindberg in an effort to jointly recommend a continuance to allow Eli Global to attempt to cure the its inability to fulfill its obligations. Counsel for co-defendant Greg Lindberg has agreed to the continuance. The United States has responded that it is not willing to agree to a continuance.

Upon information and belief, withdrawal at this time will have no material adverse effect upon the Defendant. A preemptory trial date has been set for November 6, 2023, however, a briefing schedule has not been ordered, and no pretrial motions have been filed.

The last known addresses for the Defendant is as follows:

John D. Gray  
123 Cub Creek Ext.  
Chapel Hill, NC 27517

As required by Local Civ. Rule 83.1(f), the undersigned certifies that in correspondence dated August 10, 2023 and again on August 16, 2023 , the Defendant was informed of Counsel's intent to move to be relieved as counsel and informed that: (1) the Court will retain jurisdiction over the action, (2) the Defendant is obligated to keep the Court informed of a location where notices, pleadings, or other

papers may be served; (3) failure or refusal to satisfy court-related obligations could result in adverse consequences; and (4) notices may be served on the Defendant at his last known address.

Should this Court grant Counsel's Motion to be Relieved as Counsel, the Ex Parte *Garcia* Hearing currently scheduled for August 21, 2023 would be rendered moot. In order to provide the Court with enough time to evaluate the merits of the instant Motion to be Relieved as Counsel, Defendant, by and through counsel, moves the Court to postpone the Ex Parte *Garcia* Hearing.

NOW THEREFORE, Brian S. Cromwell and Sarah F. Hutchins and the law firm of Parker Poe Adams & Bernstein LLP respectfully move the Court to enter an Order granting their motion to be relieved as counsel for Defendant John D. Gray and providing the Defendant with a reasonable period of time to engage alternate counsel. The Defendant further moves the Court to postpone the Ex Parte *Garcia* Hearing scheduled for August 21, 2023 until the Court has had an opportunity to consider and rule upon Counsel's motion to be relieved.

Respectfully submitted this 17<sup>th</sup> day of August 2023.

/s/ Brian Cromwell

Brian S. Cromwell (NC State Bar No. 23488)

Sarah Hutchins (NC State Bar No. 38172)

**PARKER POE ADAMS & BERNSTEIN, LLP**

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*Counsel for Defendant John D. Gray*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date the foregoing **MOTION TO BE RELIEVED AS COUNSEL AND MOTION TO RENDER GARCIA HEARING AS MOOT**, was filed electronically with the Clerk of Court using the CM/ECF system and served on the attorneys of record via the Court's electronic case filing system.

This 17<sup>th</sup> day of August, 2023.

*/s/ Brian Cromwell*

Brian S. Cromwell (NC State Bar No. 23488)

Sarah Hutchins (NC State Bar No. 38172)

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