

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

In re:

WOODBRIIDGE GROUP OF COMPANIES,
LLC, et al.¹,

Remaining Debtors.

MICHAEL GOLDBERG, in his capacity as
Liquidating Trustee of the WOODBRIDGE
LIQUIDATING TRUST,

Plaintiff,

v.

BASIC FINANCIAL SERVICES INC., BASIC
WEALTH ADVISORS, INC. and FRED C.
JOHNSON,

Defendants.

Chapter 11

Case No: 17-12560 (BLS)

(Jointly Administered)

Adversary Proceeding
Case No. 19-51039- (BLS)

**No hearing will be held unless requested
or ordered by the Court.**

**Objection Deadline: November 20, 2020
at 4:00 p.m.**

**MOTION OF JAMES TOBIA AND ROLAND JONES
TO WITHDRAW AS COUNSELS FOR
BASIC FINANCIAL SERVICES INC.,
BASIC WEALTH ADVISORS, INC. and FRED C. JOHNSON**

Pursuant to Local Bankruptcy Rule 9010-2 of the Local Bankruptcy Rules for the Delaware Bankruptcy Court, James Tobia Esq. (“Tobia”) and Roland Gary Jones, Esq. (“Jones”; collectively with Tobia, the “Movants”) respectfully move for leave from this Court to withdraw appearance as counsel for the defendant Basic Financial Services Inc., Basic Wealth Advisors, Inc. and Fred C. Johnson (the “Defendants”). In support of this motion to withdraw as counsel (the “Motion”), the Movants respectfully represent as follows:

¹ The Remaining Debtors and the last four digits of their respective federal tax identification numbers are as follows: Woodbridge Group of Companies, LLC (3603) and Woodbridge Mortgage Investment Fund 1, LLC (0172).

BACKGROUND

1. Tobia is a member of the Bar of the State of Delaware and admitted to practice in this Court.

2. Jones is a member of the Bar of the State of New York. He is co-counsel for the Defendants.

3. The Movants represent the Defendant in the above-captioned adversary proceeding (the “Adversary Proceeding”).

4. On or about January 2020, the Defendants entered into a written retention agreement (the “Agreement”) with Movant Jones regarding the above-captioned bankruptcy case.

5. The Agreement states that if payment for legal services rendered is not received within sixty (60) days of receipt of a billing statement, the Defendants agree not to dispute the Movants’ withdrawal as counsel.

6. On February 4, 2020, the Movants filed an Answer and Affirmative Defenses for the Defendants.

7. The Movants diligently represented the interests of the Defendants during the course of the adversary proceeding. However, the Defendants have failed to adhere to the fee arrangement with the Movant Jones.

8. As of November 5, 2020, the Defendants’ invoices have not been paid for more than 183 days from their issuance. The Defendants’ invoices represent a substantial amount and, consequently, the continued representation of the Defendants will impose an unreasonable financial burden on the Movants.

9. Movant Jones’s Agreement with the Defendants allow him to terminate his representation of the Defendants if the latter fails to pay his invoices for sixty (60) days. Pursuant

to the Agreement, the Defendants also agreed not to contest the Movant Jones's withdrawal because of the Defendants' failure to pay.

10. The case is still in the early stages and the parties have not yet conducted discovery. The case is yet to be scheduled for mediation. As such, the Movants' withdrawal will not result in a material adverse effect on the Defendants.

11. The Defendants have been informed of the full and complete basis on which the Movants seek withdrawal; as well as the intention of the Movants to file the Motion. The Movants believe that the Defendants will not object to the withdrawal.

BASIS FOR RELIEF REQUESTED

12. Rule 9010-2 of the Local Rules of Bankruptcy Procedure provides that an attorney may withdraw as counsel by order on a motion duly noticed. Delaware Professional Conduct Rule 1.16(b)(5) also allows the lawyer to withdraw from representing a client if the representation or client fails to substantially fulfill an obligation to the lawyer's services, such as non-payment of fees and Delaware Professional Conduct Rule 1.16(b)(6) allows a lawyer to withdraw as attorney if the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client.

13. The Movants have effectively, consistently and diligently represented the Defendants in this Adversary Proceeding. Nevertheless, despite requests, the Defendants have declined to fulfill its financial obligation to Movants. Consequently, the continued representation of the Defendants will impose an unreasonable financial burden on the Movants.

14. Movants request that the Court allow them and their respective law firms to withdraw as counsel and from representing the Defendants in the Adversary Proceeding and in the Bankruptcy Case.

15. The Movants' withdrawal as counsel for the Defendants will not disrupt this litigation and will have no adverse material effect to the Defendant at this stage of the case as discovery has not yet commenced.

16. Movants conferred with Plaintiff's counsel before filing this Motion, and Plaintiff has indicated the Trust will not object.

CERTIFICATION OF ROLAND GARY JONES, ESQ.

17. Pursuant to Local Bankruptcy Rule 9010-2(b), Jones informed the Defendant of the Movants intention to withdraw as counsel and the reasons for the withdrawal.

18. The Movants believe the Defendants will not object to their withdrawal as counsel.

* * *

PRAYER

WHEREFORE, the undersigned counsel respectfully requests that this Court enter an Order: (a) Granting this Motion; (b) Authorizing Movants and their respective law firms to withdraw as counsel of record for the Defendants for both the Adversary Proceeding and the Bankruptcy Case; (c) Relieving Movants and their respective law firms of any and all further obligations on behalf of the Defendants; (d) Providing the Defendants with at least thirty (30) days to retain successor counsel before any additional deadlines are imposed upon it; (e) Directing that all future pleadings, motions, discovery and any and all other communications concerning this matter be sent to:

Fred C. Johnson
Basic Financial Services Inc.
Basic Wealth Advisors, Inc.
205 S Ocean Grande Drive, #104
Ponte Vedra Beach, FL 32082
fcj133@gmail.com
(864)631-6459
(317) 887-0737

until such time as successor counsel enters an appearance; and (f) awarding such other and further relief as this Court deems just and proper.

Dated: November 6, 2020

Respectfully submitted,

THE LAW OFFICE OF JAMES TOBIA, LLC

By: /s/ James Tobia

James Tobia (#3798)

1716 Wawaset Street

Wilmington, DE 19806

Tel. (302) 655-5303 Fax (302) 656-8053

Email: jtobia@tobialaw.com

-and-

JONES & ASSOCIATES

By: /s/ Roland Gary Jones

Roland Gary Jones, Esq.

1325 Avenue of the Americas, 28th Floor New
York, New York 10019

Tel: (347) 862-9254 Fax: (212) 202-4416

Email: rgj@rolandjones.com

Counsels for the Defendants

**IN THE UNITED STATES BANKRUPTCY COURT
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In re:

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LLC, et al.¹,

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**Objection Deadline: November 20, 2020
at 4:00 p.m.**

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **November 6, 2020**, Roland Gary Jones, Esq. of Jones & Associates and James Tobia, Esq., of the Law Office of James Tobia, LLC (the "Movants") filed the attached Motion of James Tobia and Roland Jones to Withdraw as Counsels for Basic Financial Services Inc., Basic Wealth Advisors, Inc. And Fred C. Johnson. (the "Motion").

PLEASE TAKE FURTHER NOTICE that no hearing will be held unless requested or ordered by the Court.

PLEASE TAKE FURTHER NOTICE that any objections to the Motion must be made in writing, filed with the U.S. Bankruptcy Court, 824 Market Street, 3rd Floor, Wilmington, DE 19801 and served upon, so as to actually be received by the Applicants on or before **November 20, 2020** at 4:00 P.M.

¹ The Remaining Debtors and the last four digits of their respective federal tax identification numbers are as follows: Woodbridge Group of Companies, LLC (3603) and Woodbridge Mortgage Investment Fund 1, LLC (0172).

PLEASE TAKE FURTHER NOTICE that if no objection or other response to the Motion is filed, the Bankruptcy Court may grant the relief sought in the Motion without further notice or a hearing.

Dated: November 6, 2020

Respectfully submitted,

THE LAW OFFICE OF JAMES TOBIA, LLC

By: /s/ James Tobia

James Tobia (#3798)

1716 Wawaset Street

Wilmington, DE 19806

Tel. (302) 655-5303 Fax (302) 656-8053

Email: jtobia@tobialaw.com

JONES & ASSOCIATES

By: /s/ Roland Gary Jones

Roland Gary Jones, Esq.

1325 Avenue of the Americas, 28th Floor New
York, New York 10019

Tel: (347) 862-9254 Fax: (212) 202-4416

Email: rgj@rolandjones.com

Counsels for the Defendant

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Plaintiff,

v.

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JOHNSON,

Defendants.

Chapter 11

Case No: 17-12560 (BLS)

(Jointly Administered)

Adversary Proceeding
Case No. 19-51039- (BLS)

Re: D.I. _____

[PROPOSED] ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL

THIS MATTER, came before the Court upon motion of James Tobia Esq. (“Tobia”) and Roland Gary Jones, Esq. (“Jones”; collectively with Tobia, the “Movants”) for an order permitting their withdrawal as counsel (the “Motion”) for Basic Financial Services Inc., Basic Wealth Advisors, Inc. And Fred C. Johnson (the “Defendants”) in *Michael Goldberg, in his capacity as Liquidating Trustee of the Woodbridge Liquidating Trust v. Basic Financial Services Inc., Basic Wealth Advisors, Inc. And Fred C. Johnson*, Adv. Proc. No. 19-51039-BLS (the “Adversary Proceeding”). The Court, having reviewed the record and finding cause has been shown, it is hereby:

¹ The Remaining Debtors and the last four digits of their respective federal tax identification numbers are as follows: Woodbridge Group of Companies, LLC (3603) and Woodbridge Mortgage Investment Fund 1, LLC (0172).

ORDERED AND ADJUDGED as follows:

1. The Motion is hereby granted.
2. Movants and their respective law firms are permitted to withdraw as counsel of record for the Defendants for the Adversary Proceeding.
3. Movants and their respective law firms are hereby relieved from any and all further obligations on behalf of the Defendants.
4. Movants are directed to serve the Defendants with a copy of this Order.
5. The Clerk of this Court is hereby directed to send all subsequent notice to:

Fred C. Johnson
Basic Financial Services Inc.
Basic Wealth Advisors, Inc.
205 S Ocean Grande Drive, #104
Ponte Vedra Beach, FL 32082
fcj133@gmail.com
(864)631-6459
(317) 887-0737

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JOHNSON,

Defendants.

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CERTIFICATE OF SERVICE

I, James Tobia, hereby certify that on November 6, 2020, I caused the foregoing *Motion Of James Tobia And Roland Jones To Withdraw As Counsels For Basic Financial Services Inc., Basic Wealth Advisors, Inc. And Fred C. Johnson* to be served as follows:

ECF and First Class Mail:

Colin R. Robinson, Esq.
Pachulski Stang Ziehl & Jones LLP
919 North Market Street
17 th Floor
Wilmington, DE 19801

Date: November 6, 2020

Certified Mail and electronic mail:

Fred C. Johnson
Basic Financial Services Inc.
Basic Wealth Advisors, Inc.
205 S Ocean Grande Drive, #104
Ponte Vedra Beach, FL 32082
fcj133@gmail.com

THE LAW OFFICE OF JAMES TOBIA, LLC

By: James Tobia
James Tobia, Esq. (#3798)
1716 Wawaset Street
Wilmington, DE 19806
Tel. (302) 655-5303/Fax (302) 656-8053
Email: jtobia@tobialaw.com

Attorney for Defendants