

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SECURITIES AND EXCHANGE	)	
COMMISSION,	)	
	)	
PLAINTIFF,	)	
	)	
v.	)	Civil Action No. 3:17-cv-00420-L
	)	
PATRICK O. HOWARD; HOWARD	)	
CAPITAL HOLDINGS, LLC; AND	)	
OPTIMAL ECONOMICS CAPITAL	)	
PARTNERS, LLC,	)	
	)	
DEFENDANTS.	)	

**BRACEWELL LLP’S MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT  
PATRICK O. HOWARD**

Pursuant to Local Rule 83.12, Bracewell LLP (“Bracewell”) and the undersigned respectfully move this Court for leave to withdraw as counsel of record for Defendant Patrick O. Howard (“Howard”). In support and explanation, Movants state as follows:

1. On or about February 16 2017, Bracewell entered into an engagement agreement (“Agreement”) pursuant to which Bracewell was to act as counsel of record for Howard in this action. The Agreement provided that Bracewell could terminate its representation of Howard if payment of the firm’s fees and reimbursable expenses were not promptly received.

2. Currently, Howard has not paid Bracewell’s fees and expenses in this matter, and the balance of unpaid fees and expenses has been outstanding for more than one hundred twenty days. Bracewell has previously cautioned Howard that it would terminate its representation and seek to withdraw if its invoices were not paid. Bracewell is unwilling to continue as counsel of record for Howard in this matter without payment of its fees and expenses and, pursuant to the

terms of the Agreement, is entitled to withdraw. Howard's non-payment of Bracewell's fees and expenses constitutes good cause for this Court to grant the Motion to Withdraw. *See* Local Rule 83.12; Texas Disciplinary Rules of Professional Conduct Rule 1.15(b)(5); *Harrison v. Harrison*, 367 S.W.3d 822, 827 (Tex. App.—Houston [14th Dist.] 2012, pet. denied).

3. Howard has consented to Bracewell's withdrawal from this matter, as evidenced by his signature at the bottom of this motion.

4. On the same date as the filing of this Motion, counsel has forwarded a final copy of this Motion to Howard by email, certified mail, and first-class mail.

5. Howard has not yet identified replacement counsel. Because Howard's individual interests are at stake in this matter, he may appear pro se, if necessary.

6. The last known address and phone number of Howard is listed below:

Patrick Howard  
2728 Wood Street, Apt. 620  
Dallas, TX 75219  
(214) 289-9888

WHEREFORE, based upon the foregoing good cause shown, Howard respectfully requests the Court grant this motion and allow Bracewell and the undersigned to withdraw as counsel of record for Howard in this action.

Respectfully Submitted,

BRACEWELL LLP  
By: s/ Brandon McCarthy  
Barrett R. Howell  
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and

Philip J. Bezanson, admitted *pro hac vice*  
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**ATTORNEYS FOR DEFENDANT  
PATRICK O. HOWARD**

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that he has communicated with the other parties regarding the substance of the motion and they are unopposed to the relief requested.

/s/ Brandon N. McCarthy  
Brandon N. McCarthy

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing motion was delivered by ECF filing to all parties on May ~~7~~<sub>8</sub>, 2018.

/s/ Brandon N. McCarthy  
Brandon N. McCarthy

**CERTIFICATE OF AUTHORIZATION**

I, Patrick Howard, do hereby consent to Bracewell's withdrawal as my counsel of record in the above-numbered and styled matter. I will promptly inform the Court and opposing parties at such time as I retain new counsel.

  
\_\_\_\_\_  
Patrick Howard