

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

MICHAEL E. KELLY, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 21-1949C
	)	(Judge Kathryn C. Davis)
THE UNITED STATES,	)	
	)	
Defendant.	)	

DEFENDANT’S RESPONSE TO MOTION TO WITHDRAW AS COUNSEL

Defendant, the United States, respectfully responds to the Motion to Withdraw as Counsel of Record filed by counsel for plaintiffs, Michael E. Kelly, *et al.*, on December 14, 2022. The motion, by its own admission, is “relatively succinct,” and provides little rationale for the relief it requests.

The United States is privy to little further information on the subject. The United States, however, has had communication with counsel who represent that they shortly intend to file paperwork seeking substitution as counsel of record.

The United States takes no position on the motion to withdraw as counsel and leaves the matter to this Court’s sound discretion. As the situation further develops, the United States will reflect its position, as appropriate, on any motion to substitute counsel of record.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY  
Director

OF COUNSEL:

FRANKLIN E. WHITE, JR.  
Assistant Director

s/ Elizabeth M. Hosford  
ELIZABETH M. HOSFORD  
Assistant Director

RETA E. BEZAK  
Senior Trial Counsel

MARIANA T. ACEVEDO  
Trial Attorney

December 28, 2022

s/ Anthony F. Schiavetti  
ANTHONY F. SCHIAVETTI  
Senior Trial Counsel  
U.S. Department of Justice  
Civil Division  
Commercial Litigation Branch  
PO Box 480, Ben Franklin Station  
Washington, D.C. 20044  
Tel: (202) 305-7572  
[anthony.f.schiavetti@usdoj.gov](mailto:anthony.f.schiavetti@usdoj.gov)

Attorneys For Defendant