SPIEGEL & UTRERA, P.A.
642 Broad Street, Suite 2
Clifton, New Jersey 07013
(305) 854-6000
Attorneys for Defendants, Allcare Dental Group, LLC and Janice Bell, DMD

STATE OF NEW JERSEY, through LESLIE A. HAYLING, JR., DDS,	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	LAW DIVISION: MERCER COUNTY DOCKET NUMBER: MER-L-2114-08
v.	**CIVIL ACTION**
CORRECTIONAL MEDICAL SERVICES, INC., ALLCARE DENTAL GROUP, LLC, VICKIE BYBEE, DAVID MEEKER, JANICE BELL, DMD and LIONEL ANNICETTE, M.D.,	**CERTIFICATION IN SUPPORT OF MOTION TO BE RELIEVED AS COUNSEL FOR DEFENDANT**
Defendants.	

JULIE WIELICZKO, ESQ., of full age and under penalty of perjury, hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey and an associate with the law firm of Spiegel & Utrera, P.A., attorneys for the Defendants AllCare Dental Group, LLC and Janice Bell, DMD (hereinafter referred to as "Defendants Allcare and Bell") in the within matter. As such, I am fully familiar with the facts certified to herein.

2. I make this Certification in support of Spiegel & Utrera, P.A.'s Motion to Be Relieved as Counsel for Defendants Allcare and Bell.

3. The law firm of Spiegel & Utrera, P.A. undertook representation of the Defendants Allcare and Bell pursuant to a retainer agreement which required the said Defendants

to pay an initial retainer deposit, to pay additional legal fees in excess of the initial deposit as they were incurred, and to maintain a balance in Defendants' account against future legal fees and costs.

4. Although Defendants Allcare and Bell paid the initial retainer deposit, said deposit has been depleted and additional legal fees have been incurred.

5. Defendants Allcare and Bell has not paid their legal fees beyond the initial retainer deposit, nor have they replenished their retainer account.

6. Spiegel & Utrera, P.A. has requested on several occasions that Defendants Allcare and Bell pay its outstanding balance and replenish its account, to no avail.

7. Defendants Allcare and Bell have also failed to provide certain information requested by Spiegel & Utrera, P.A. regarding this lawsuit.

8. Defendants' failure to pay their legal fees constitutes a breach of their agreement with Spiegel & Utrera, P.A..

9. Defendants' failure to provide requested information to Spiegel & Utrera, P.A. has jeopardized Spiegel & Utrera, P.A.'s ability to provide a proper defense in this matter.

10. Defendants Allcare and Bell were advised by certified letter of Spiegel & Utrera, P.A.'s intent to seek the Court's permission to withdraw as counsel if payment was not received by January 4th, 2010. A copy of said letter is attached hereto as Exhibit A.

11. Spiegel & Utrera, P.A. received the United States Postal Service Return Receipt indicating that Defendants' authorized representative received the aforementioned letter on January 4, 2010. A copy of the receipt is attached hereto as Exhibit B.

12. Defendants Allcare and Bell have breached their agreement with Spiegel & Utrera, P.A. and are fully aware of the consequences of such breach.

13. No party will be prejudiced by the granting of this Motion.

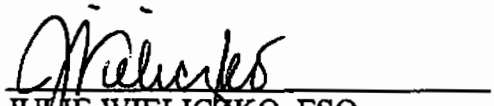
14. Spiegel & Utrera, P.A. will be irreparably damaged by the failure to grant this Motion.

15. The granting of this Motion will not serve to delay the trial of this action. In fact, this matter was referred to mediation, but an extension of time was requested due to the fact that the Answer of Co-Defendants Correctional Medical Services, INC., Vickie Bybee and David Meeker is not due until January 14, 2010. Defendant Annicette has not yet entered an appearance. Discovery has not yet been exchanged among the parties.

16. Based upon the foregoing, it is hereby requested that this Court enter an Order granting Spiegel & Utrera, P.A.'s Motion to Be Relieved as Counsel for Defendants Allcare and Bell.

17. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

Respectfully submitted,



JULIE WIELICZKO, ESQ.
Counsel for Defendants AllCare Dental Group, LLC and Janice Bell, DMD

Dated: January 11, 2010

Spiegel & Utrera, P.A.

Counselors & Attorneys at Law

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[11] Licensed in New York & New Jersey
[12] Licensed in Florida & New Jersey
[4] Licensed in New York & California
[3] Licensed in New York, Florida & Qualified Solicitor in England and Wales
[1] Licensed in Florida and Registered as a Foreign Lawyer in England and Wales
[1] Licensed in Florida, Georgia & Qualified Solicitor in England and Wales

December 23, 2009

Via Certified and Regular Mail

Janice Bell, DMD
AllCare Dental Group LLC
505 South Orange Avenue
South Orange, New Jersey 01079

Re: State of New Jersey through Leslie A. Hayling, Jr. DDS v. Correctional Medical Services, Inc., et al
Docket No.: MER-L-2114-08

Dear Dr. Bell:

Please be advised that we have received an Order from the Court, referring this matter to mediation. A copy of the Order is enclosed for your reference.

We have had the opportunity to discuss this matter with plaintiff's counsel and counsel for co-defendant CMS. Plaintiff's counsel has agreed to extend the time for co-defendants to respond to the Complaint until January 15, 2010. Also, plaintiff's counsel is requesting that the mediation be adjourned and discovery be postponed until after co-defendants have responded to the Complaint. We have no objection to this and assume that the mediator will grant this request.

Co-defendants' counsel has informed us that he intends to file a Motion to dismiss the Complaint. It is possible that we may be able to join in this Motion, but we cannot accurately make this determination without reviewing the contractual documents involved. Without knowing the contractual relationships at work in this matter, our hands are tied and we cannot properly represent you. **Please send us your contracts immediately.**

Finally, we must inform you that your retainer deposit has been depleted and you now have an outstanding balance of $1,824.65. A copy of our invoice is enclosed for your reference. Under the terms of your retainer agreement, you must pay the outstanding balance and replenish your retainer to $1,500.00. Your total payment of $3,324.65 must be received in our office by

EXHIBIT A

January 4, 2010, or we will have no choice to file a Motion to withdraw as your counsel. Our billing statement is enclosed to facilitate your payment.

Thank you for your courtesy and cooperation in this matter. If you have any additional questions, please do not hesitate to contact me at 305-854-6000.

Sincerely,

Julie Wieliczko
Spiegel & Utrera, PA

Enc.

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AllCare Dental Group, LLC
505 South Orange, Avenue
South Orange, New Jersey 01079

PS Form 3800, August 2006 See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Janice Bell, DMD
AllCare Dental Group, LLC
505 South Orange, Avenue
South Orange, New Jersey 01079

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature]
☐ Agent
☐ Addressee

B. Received by (Printed Name) Bell
C. Date of Delivery 1/6/10

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Service Type
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EXHIBIT B