

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
No. 08-CR-364 (RHK/AJB)

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS JOSEPH PETTERS,

Defendant.

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**MOTION TO STAY  
MOTIONS HEARING  
PENDING RESOLUTION OF  
GOVERNMENTAL MEDDLING**

Defendant Thomas Joseph Petters, by and through his undersigned attorneys, hereby moves the Court for an order staying the motions hearing in the above matter pending resolution of the accompanying motions regarding Governmental meddling, and withdrawal of the undersigned counsel. This motion is based upon the United States Constitution, the Local Rules of this Court, and the Minnesota Rules of Professional Conduct. Our specific grounds are theses:

1. When your undersigned assumed representation of Mr. Petters, he was given assurances by the United States that his fees and costs would be paid and paid in full. Implicit in that assurance was that the United States would not break its word. But it has now, by announcing, on Friday, March 13, 2009, a desire to control attorney fees and costs. This despite a procedure already having been set for the process of applying for defense fees and costs, and the Government's prior acquiescence.

2. The Felhaber Law Firm has already incurred enormous fees and costs in Mr. Petters' defense. Need we repeat but we do for emphasis: there is currently an outstanding balance of more than one half million dollars, with over \$100,000.00 more than 90 days past due. The Firm has not been paid since 2008. It may never be paid again.

3. Governmental meddling has caused the defense to seek dismissal of the indictment and/or withdrawal of the undersigned attorneys. Financial ruin is a concern, but even more so is the Government's attempt to disenfranchise Mr. Petters from his counsel of choice.

4. Until these critical matters are resolved, the defense moves to stay the March 18, 2009 motions hearing. The hearing is a critical stage in a criminal case, particularly this one. New counsel may disagree with the motions filed, or wish to exchange them, or wish to curry favor in order to just be paid.

Dated: March 16, 2009

**s/ Jon M. Hopeman**

Jon M. Hopeman, MN #47065  
Eric J. Riensche, MN #309126  
Jessica M. Marsh, MN #388353  
Felhaber, Larson, Fenlon & Vogt, P.A.  
220 South Sixth Street, Suite 2200  
Minneapolis, MN 55402-4504  
Telephone: (612) 339-6321

Paul C. Engh, MN #134685  
Engh Law Office  
220 South Sixth Street, Suite 215  
Minneapolis, MN 55402  
Telephone: (612) 252-1100

Attorneys for Defendant Thomas J. Petters