

# EnviroMission

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## Plaintiff Attorney Files Motion to Withdraw Counsel Conflict Raises Doubts

The recently announced civil suit joining EnviroMission *et al* to a civil matter against SolarMission Technologies Inc, by Daya R Senanayake in the United States District Court for the District of Nevada has been thrown into doubt as a result of a motion filed in the same court by the plaintiff's attorney to withdraw as his legal counsel.

Grounds cited by the plaintiff's attorney, Mark Gunderson, stated that, "an irreconcilable conflict has arisen between Mr. Senanayake and the Gunderson Law Firm, that precludes counsel from continuing to represent Mr. Senanayake's interests in this case, as Mr. Senanayake has failed to substantially fulfill his obligations to his counsel."

In a written declaration filed with and supporting the motion, plaintiff's counsel stated that irreconcilable differences had "irreparably damaged" the attorney-client relationship and further stated that, "[t]he refusal of Senanayake to fulfill his obligations to me necessarily undermines my ability to represent him as required by Nevada's rules governing professional conduct, will render my representation unusually difficult, and will result in an unreasonable financial burden on me."

One day after filing his motion to withdraw, Mark Gunderson then filed a Notice of Attorney's Lien with the Court claiming unpaid attorney's fees, costs and accruing interest totaling US\$54,932.28 (AUD\$73,500) against the plaintiff (Senanayake).

In connection with the motion to withdraw, Mr. Gunderson moved for an extension of the deadline to respond to the Motions To Dismiss filed by EnviroMission Limited *et al* and for a postponement of the hearing on SolarMission's Motion For Order Requiring Security set for 1 June, 2009.

Roger Davey, President of SolarMission Technologies, Inc and Chief Executive of EnviroMission Limited stated that the action taken by Senanayake's legal counsel (motion to withdraw) suggests serious underlying conflict surrounds the plaintiff including the basis of claims, and the plaintiff's ability to meet costs and/or damages that may result from his legal action.

"EnviroMission is very concerned about the plaintiff's ability to meet any future costs and damages in light of his attorney filing a Notice of Attorney's Lien for his costs with the court; however EnviroMission will not be dissuaded from aggressively seeking damages associated with his grievous claims where they have damaged reputation and caused financial loss associated with mounting a defense" Mr Davey said in response to developments in the Senanayake matter.

Ends.

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