

Gordon C. Benjamin
P.O. Box 1834, G&L Office Bldg., Rm. 4
Majuro, MH 96960, Marshall Islands
692-455-1824 cell; 692-625-2889 ph
gordonbenjamin@gmail.com
Attorney for Plaintiff

FILED

NOV 11 2014

BUC

ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS

**IN THE HIGH COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS**

Eigigu Holdings Corporation

Plaintiff,

v.

**Leander Leander and Lijun
Leander**

Defendants.

Civil Action No.: 2014-067

**PLAINTIFF'S MOTION TO
DISQUALIFY MASEK**

COMES NOW the Plaintiff, Eigigu Holdings Corporation, by and through counsel Gordon C. Benjamin and hereby moves the Court to disqualify Defendants' counsel, John Masek ("Masek"), and in support offers the following:

1. Masek was privy to Plaintiff's business records and documents when Masek represented a former employee of the Plaintiff, Mr. Rubin Tsitsi, in Civil Action 2012-202 (*seeking employment benefits*);
2. Masek was privy to Plaintiff's business records and documents when Masek represented Mr. Rubin Tsitsi again in Civil Action 2013-005, an action brought by the Plaintiffs (*Eigigu Holdings Corporation*) attempting to remove Mr. Tsitsi from the Plaintiff's premises (a new lease was under negotiation).

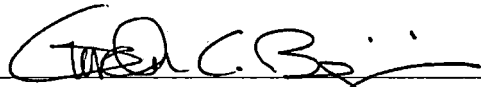
3. Masek's client, Mr. Tsitsi, in a letter dated August 2, 2012, copy attached hereto as Exhibit "A" (and in the Court's CA 2013-005 file as "Plaintiff's Exhibit 5"), represented to Plaintiff's officials that he, Mr. Tsitsi wished to claim unpaid wages and entitlements, and wanted to provide Plaintiff's representatives with "copies of payments" to prove that he, Mr. Tsitsi had properly conducted business for the Plaintiff by making lease payments on behalf of the Plaintiff. Such documents have never been provided to the Plaintiff.

4. Plaintiff had attempted to remove the former employee, Mr. Tsitsi, from the premises ever since Mr. Tsitsi was terminated on April 23, 2012 until Mr. Tsitsi's death around the end of May 2014. During this whole time, Masek represented Mr. Tsitsi not only in CA 2012-202 and CA 2013-005, but also in a Republic of the Marshall Islands' Immigration Division removal case, Civil Action No. 2012-144. During this whole time, while Masek was representing Mr. Tsitsi, Plaintiff Eigigu Holdings Corporation attempted to obtain Plaintiff's business records and documents, including receipts for payments by and from Eigigu Holdings Corporation, bank records, etc., but Mr. Tsitsi did not turn over even one document. Plaintiff takes the reasonable position that Mr. Tsitsi's attorney would have had access to documents, etc. that belong to Eigigu Holdings Corporation, and may still have those documents, etc.

5. Plaintiff also files the attached Affidavit of Counsel, and Memorandum of Points and Authorities to support Plaintiff's motion to Disqualify Masek as Defendants' counsel.

Respectfully submitted,


Date: November 11, 2014


Gordon C. Benjamin, Plaintiff's Attorney


Certificate of Service

I, Gordon C. Benjamin, counsel to Plaintiff, do hereby certify that I emailed a copy of the above to Defendants' counsel, Mr. John Masek, at his email address "jemesq@hotmail.com" on November 11, 2014.

FILED

NOV 11 2014


ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS


Gordon C. Benjamin, Plaintiff's Attorney