

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTIN LOMAKOSKI and
DOUGLAS ROWE,

Plaintiffs,

v.

Civil Case No. 21-10747
Honorable Linda V. Parker

TOTAL RESPONSE EMS, INC.,

Defendant.

OPINION AND ORDER GRANTING MOTION TO WITHDRAW

Pending before the Court is a motion to withdraw filed by Defendant's counsel in this matter: Saif Kasmikha and Midwest Legal Partners, LLC. (ECF No. 23.) The stated basis for the motion is a breakdown in communication. Defense counsel represents that Defendant received a copy of the motion.

The Court held a motion hearing on today's date. Counsel for both parties were present at the hearing. Although receiving notice of the hearing, Defendant did not appear. Plaintiff's counsel indicated that Plaintiff does not oppose the motion to withdraw.

The Court finds good cause for defense counsel to withdraw and that such withdrawal can be accomplished without material adverse effect on Defendant's interests. *See Mich. R. Prof'l Conduct 1.16.* The Court is staying the proceedings

for 45 days to allow Defendant to retain new counsel. As a corporate entity, Defendant cannot proceed in this matter without an attorney. *See, e.g., Rowland v. California Men's Colony*, 506 U.S. 194, 201-202 (1993) (citing cases); *Doherty v. American Motors Corp.*, 728 F.2d 334, 340 (6th Cir.1984) (citations omitted).

When a corporation declines to hire counsel to represent it, the court may properly dismiss its claims, if it is a plaintiff, or strike its defenses, if it is a defendant.

Greater Southeast Cmty. Hosp. Found., Inc. v. Potter, 586 F.3d 1, 5 (D.C. Cir. 2009) (citing *Donovan v. Road Rangers Country Junction, Inc.*, 736 F.2d 1004, 1005 (5th Cir. 1984) and *Strong Delivery Ministry Ass'n v. Bd. of Appeals of Cook Cnty.*, 543 F.2d 32, 33 (7th Cir. 1976)).

Accordingly,

IT IS ORDERED that the counsel's motion to withdraw (ECF No. 23) is **GRANTED** and Saif Kasmikha and Midwest Legal Partners, LLC shall be terminated as counsel. Defendant's counsel shall serve a copy of this Opinion and Order on Defendant and must file a proof of service with the Court.

IT IS FURTHER ORDERED that this matter is **STAYED** for 45 days to allow Defendant to retain new counsel, who shall file a written appearance on the docket before the 45 days expires.

IT IS FURTHER ORDERED that Defendant's failure to retain counsel and for counsel to enter a written appearance within 45 days of this Opinion and

Order will result in Defendant's defenses being stricken without further notice of the Court, and the Court will conduct further proceedings in its absence in accordance with the law.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: October 11, 2022