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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Robert P. Cottman, et al.,

10 Plaintiffs,

11 v.

12 David G. Naskrent, et al.,

13 Defendants.
14

No. CV-17-02045-PHX-DWL

ORDER

15 Pending before the Court is the Motion for Leave to Withdraw As Attorney for
16 Defendants Without Client Consent (Doc. 70), filed by movants Jeffrey H. Wolf and J.
17 Alexander Dattilo of Quarles & Brady LLP (“Counsel”), attorneys of record for Defendants
18 David G. Naskrent, Matthew J. and Corrina Surma, Cory Lee Hughes, Corey B. Cleghorn,
19 DPHC Enterprise Inc., and DHSC Enterprise Inc. Counsel stated that Defendants have
20 failed to respond to Counsel’s communications and have failed to pay substantial portions
21 of the attorneys’ fees for a substantial amount of time. (Doc. 70 at 2.) Counsel further
22 stated that some but not all Defendants have consented to Counsel withdrawing, and those
23 who did not provide consent also did not express any objection. (*Id.* at 3.) Good cause
24 appearing, the Court will provisionally grant the motion, subject to the following condition.

25 Pursuant to LRCiv 83.3(b)(2), Counsel must include a certificate “of the attorney
26 making the motion” that the clients have been “notified in writing of the *status* of the case,
27 including the dates and times of any court hearings or trial settings, pending compliance
28 with any existing court orders and the possibility of sanctions,” or an averment that the

1 clients cannot be located. Counsel instead included a certificate signed by Jeannie Fraser,
2 “[a]n employee of Quarles & Brady LLP,” certifying that she had emailed and mailed to
3 each Defendant a copy of the Motion for Leave to Withdraw As Attorney for Defendants
4 Without Client Consent. (Doc. 70 at 4.) The Motion does include some status information:
5 “This matter has not been set for trial. From the date of this filing, the close of discovery
6 is over four months away.” (*Id.* at 2.) The Court finds this to be insufficient, as it does not
7 include the deadlines which must be met to comply with the Court’s scheduling orders
8 (Docs. 22, 62).

9 Nevertheless, to simplify matters and ensure that the Court’s procedural preferences
10 are met, the Court shall supplant the previous scheduling orders with its own Case
11 Management Order, forthcoming. Counsel is ordered to mail the new Case Management
12 Order, as well as this Order provisionally granting the Motion to Withdraw, to all
13 Defendants and file a certificate in which *Counsel* certifies that the Orders have been sent.

14 In their Response, Plaintiffs noted that two of the Defendants (DPHC Enterprise
15 Inc. and DHSC Enterprise Inc.) are business entities, which cannot appear in federal court
16 without representation. (Doc. 72.) The corporate Defendants are on notice that they may
17 appear in this Court only through an attorney admitted to practice in this Court. *See*
18 *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 202
19 (1993). Failure to obtain an attorney will be grounds for sanctions, including potentially
20 the entry of a default judgment. If the corporate Defendants attempt to appear in this Court
21 without an attorney, Plaintiffs may move for appropriate relief at that time.

22 Therefore,


23 **IT IS ORDERED** that by **January 14, 2019**, Counsel must mail this Order and the
24 new Case Management Order (forthcoming) to all Defendants and file a certificate in which
25 *Counsel* certifies that the Orders have been sent.

26 **IT IS FURTHER ORDERED** that *upon receipt of a new certificate by Counsel*
27 *complying with this Order*, the Motion for Leave to Withdraw As Attorney for Defendants
28 Without Client Consent (Doc. 70), filed by movants Jeffrey H. Wolf and J. Alexander

1 Dattilo of Quarles & Brady LLP (“Counsel”), attorneys of record for Defendants David G.
2 Naskrent, Matthew J. and Corrina Surma, Cory Lee Hughes, Corey B. Cleghorn, DPHC
3 Enterprise Inc., and DHSC Enterprise Inc. will be **GRANTED**.

4 **IT IS FURTHER ORDERED** that *upon receipt of a new certificate by Counsel*
5 *complying with this Order*, Jeffrey H. Wolf and J. Alexander Dattilo of Quarles & Brady
6 LLP will be withdrawn as counsel of record for Defendants, and the Clerk shall remove
7 Quarles & Brady LLP and attorneys Jeffrey H. Wolf and J. Alexander Dattilo from ECF
8 noticing in this matter.

9 Dated this 2nd day of January, 2019.

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13 Dominic W. Lanza
14 United States District Judge
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