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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Joan Perkons,)	
)	
Plaintiff,)	No. CV-10-8021-PCT-PGR
)	
vs.)	
)	
American Acceptance, LLC,)	<u>ORDER</u>
)	
Defendant.)	

Pending before the Court is the defendant's counsel's Motion for Withdrawal of Counsel, filed June 10, 2010, wherein counsel requests that he be permitted to withdraw as counsel for defendant American Acceptance, LLC for the reason that he and the defendant have irreconcilable differences that cannot be resolved. No opposition to the motion has been filed to date by either the defendant or the plaintiff. The Court finds that the motion should be granted pursuant to LRCiv 83.3(b)(2) and ER 1.16 of the Arizona Rules of Professional Conduct.

The withdrawal of the defendant's counsel without substitution of new counsel means that the defendant, a limited liability company, is not now properly before the Court, In re Highley, 459 F.2d 554, 555-56 (9th Cir. 1972), since it is

1 well-established that a corporation or a partnership or any other type of
2 unincorporated association may only appear in federal court through a licensed
3 attorney. Rowland v. California Men's Colony, 506 U.S. 194, 201-02, 113 S.Ct.
4 716, 721 (1993); In re America West Airlines, 40 F.3d 1058 (9th Cir. 1994). **The**
5 **defendant is advised that the Court will not permit it to file any document or**
6 **appear in any proceeding in this action through its managing member or**
7 **any other non-attorney, and that if it does not timely obtain new counsel**
8 **licensed to practice before this Court it will be subject to having default and**
9 **default judgment entered against it.** United States v. High Country
10 Broadcasting Co., Inc., 3 F.3d 1244, 1245 (9th Cir. 1993). Therefore,

11 IT IS ORDERED that the Motion for Withdrawal of Counsel (doc. #17) is
12 granted and that Sanford J. Germaine and the law firm of Casebolt, Germaine &
13 Schenk, PLC are withdrawn as counsel for defendant American Acceptance,
14 LLC.

15 IT IS FURTHER ORDERED that defendant American Acceptance LLC
16 shall have through **August 16, 2010** in which to obtain new counsel and to have
17 that counsel file a notice of appearance in this action.

18 IT IS FURTHER ORDERED that defendant American Acceptance LLC
19 shall answer or otherwise respond to the complaint no later than **August 25,**
20 **2010.**

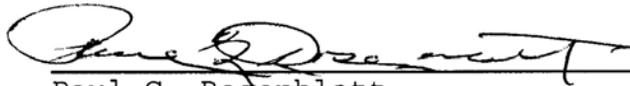
21 IT IS FURTHER ORDERED that the Scheduling Conference set for August
22 9, 2010 is vacated and is reset to **Monday, October 4, 2010, at 11:00 am.** in
23 Courtroom 601 of the Sandra Day O'Connor United States Courthouse.¹

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26 The Joint Case Management Report shall be filed in accordance with
the Order Setting Scheduling Conference (doc. #15).

1 IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of
2 this Order to defendant American Acceptance, LLC, 3606A Morris Ave., Suite
3 114, Pueblo, CO 81008-1369.

4 DATED this 12th day of July, 2010.

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7 Paul G. Rosenblatt
8 United States District Judge
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