

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

GARY FLOYD

PLAINTIFF

v.

Case No. 2:11-CV-02134

U.S. FOOD SERVICE, INC.

DEFENDANT

ORDER

Currently before the Court are Defendant U.S. Food Service, Inc.'s Motion to Compel Production of Documents (Doc. 11) and supporting documents (Doc. 12), and Motion to Withdraw by Troy Gaston and Derick Allison as attorneys of record for Plaintiff Gary Floyd (Doc. 13). The Motion to Compel Production of Documents was filed on March 3, 2012, and four days later, the Motion to Withdraw was filed by Plaintiff's attorneys. The Court will take up both motions since they are filed close in time.

The Motion to Withdraw states the Plaintiff's attorneys have an employment agreement with the Plaintiff, and the agreement allows the attorneys to withdraw under certain circumstances. Without stating the reasons for withdrawal, the attorneys state that those circumstances are present in the case and the attorneys seek to withdraw as attorneys of record for the Plaintiff. The Court **GRANTS** the Motion to Withdraw, and orders that the attorneys provide a copy of this order to the Plaintiff. The Plaintiff is directed to notify the Court by **APRIL 17, 2012** of the employment of new counsel, and new counsel shall enter an appearance as attorney of record. Failure to comply with the Court's order may result in a dismissal of this action.

Also before the Court is the Defendant's Motion to Compel Production of Documents. Since the Court has granted the Motion to Withdraw and has ordered the Plaintiff to notify the Court of

the employment of new counsel, the Defendant's Motion to Compel Production of Documents is **DENIED**, although Defendant may refile the motion if Plaintiff, after employment of new counsel, does not comply with the rules of discovery.

IT IS SO ORDERED this 15th day of March 2012.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE