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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

CAPITAL MAILING SERVICES, INC., a  
California corporation,  
  
Plaintiff,  
  
v.  
  
SALT CREEK MEDIA, INC., a California  
corporation; ANDREW CODY, an individual;  
MATTHEW KELSOE, an individual;  
ROBERT RICO, an individual; JOSHUA  
BYRD, an individual; and DOES 1-20,  
  
Defendants.

CASE NO. 2:15-CV-02337-TLN-CKD

On March 28, 2016, counsel for Plaintiff Capital Mailing Services, Inc. (“CMS” or “Plaintiff”) and Counter-Defendants APC Holding & Management, Inc., Perice D. Sibley, and CMS (“Counter-Defendants”), Berliner Cohen LLP, filed an amended motion seeking withdrawal as the attorneys of record. (ECF No. 50.) Specifically, the motion seeks to have Berliner Cohen LLP withdraw as attorneys of record for Plaintiff, but to remain as attorneys of record for Counter-Defendants until such time as the Court issues an order granting a pending motion to dismiss Defendant/Counterclaimant Andrew Cody’s counterclaims. (ECF No. 50 at 2.) Because the Court will issue an order dismissing those counterclaims simultaneously with

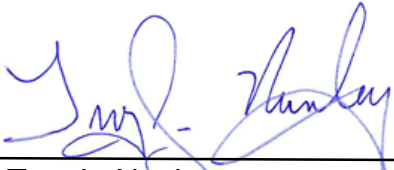
1 the entry of this order, the Court grants the request that Berliner Cohen LLP withdraw as  
2 attorneys of record for Counter-Defendants.

3 The Court's dismissal of Defendant/Counterclaimant Andrew Cody's counterclaims,  
4 dismisses Counter-Defendants APC Holding & Management, Inc. and Perice D. Sibley from the  
5 litigation. Therefore, Plaintiff is the only remaining party in the litigation from which Berliner  
6 Cohen LLP seeks withdrawal. It is well-established that a corporation may not proceed pro se in  
7 federal court. *United States v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir.  
8 1993). Therefore, the Court hereby stays this litigation for 60 days to permit reasonable time for  
9 Plaintiff to find new counsel and allow counsel time to become familiar with the case. If no  
10 counsel enters an appearance on behalf of Plaintiff within 60 days of the entry of this order, the  
11 Court would look favorably upon a defendant's motion for involuntary dismissal under Federal  
12 Rule of Civil Procedure 41.

13 For the reasons set forth above, the Court hereby GRANTS the motion for withdrawal of  
14 counsel (ECF No. 50) and further orders a STAY for a period of 60 days to allow Plaintiff to  
15 designate new counsel.

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17 **IT IS SO ORDERED.**

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19 Dated: April 11, 2016

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23 Troy L. Nunley  
24 United States District Judge  
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