

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01396-RBJ-KLM

FEDERAL TRADE COMMISSION and
STATE OF COLORADO, *ex rel.* JOHN W. SUTHERS, ATTORNEY GENERAL,

Plaintiffs,

v.

RUSSELL T. DALBEY,
DEI, LLLP,
DALBEY EDUCATION INSTITUTE, LLC,
IPME, LLLP,
CATHERINE L. DALBEY, and
MARSHA KELLOGG,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the **Motion to Clarify the Court's Order Granting Farella Braun + Martel, LLP's Motion to Withdraw** [Docket No. 118; Filed October 12, 2011] (the "Motion to Clarify"), filed by Attorney Neil A. Goteiner ("Goteiner"), and on the **Motion of Deborah K. Barron to Withdraw Representation and Written Notification Certificate** [Docket No. 119; Filed October 12, 2011] (the "Motion to Withdraw"), filed by Attorney Deborah K. Barron ("Barron"). Attorney Goteiner and Attorney Barron represent that both the Motion to Clarify and the Motion to Withdraw are unopposed. On October 3, 2011, the Court issued a Minute Order [#112] granting Attorney Goteiner's motion to withdraw as counsel for Defendants Russell T. Dalbey and Catherine L. Dalbey (collectively, the "Dalbeys") and stating, in part, that the Entity Defendants, consisting of Defendants DEI, LLP; Dalbey Education Institute, LLC; and IPME, LLLP, "shall continue to be represented by Attorney Deborah Kristina Barron and Attorney Neil Andrew Goteiner." See *Minute Order* [#112] at 2. At that time, the docket sheet for this case incorrectly listed Attorney Barron and Attorney Goteiner as representing the three Entity Defendants as well as the Dalbeys. The docket sheet has since been corrected. Accordingly,

IT IS HEREBY ORDERED that the Motion to Clarify [#118] is GRANTED and that the portion of the Court's Minute Order [#112] asserting that Attorney Barron and Attorney

Goteiner ever represented or would continue to represent the Entity Defendants is **VACATED**.¹ The Clerk of the Court is instructed to remove Attorney Goteiner's name from the electronic certificate of mailing.

IT IS FURTHER ORDERED that the Motion to Withdraw [#119] is **GRANTED**. Attorney Barron is relieved of any further representation of the Dalbeys in this case. The Clerk of the Court is instructed to terminate Attorney Barron as counsel of record and to remove her name from the electronic certificate of mailing. The Dalbeys shall continue to be represented by Attorney Jose Dino Vasquez, Attorney Kenzo Sunao Kawanabe, Attorney Lauren Michele Mitchell, and Attorney Paul Richard Brown.

Dated: October 17, 2011

¹ According to Plaintiffs, the three Entity Defendants "have each filed Chapter 7 bankruptcy petitions and no one has entered an appearance in this case on their behalf." See *Plaintiffs' Motion to Strike Defendants' Jury Demand and Several Affirmative Defenses, and Motion for a More Definite Statement with Respect to Some Affirmative Defenses* [#120] at 2. On October 3, 2011, the Court granted the motion to withdraw made by the Entity Defendants' original counsel, Attorney Andrew R. Shoemaker. See *Minute Order* [#112] at 2.