

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Maritza Dominguez Braswell

Civil Action No. 21-cv-01182-CNS-MDB

JOE GREENE,

Plaintiff,

v.

JJLV LLC d/b/a CANNAVES,
HIGHER CUT LLC, and
JONATHAN DAVID VESELY, an individual,

Defendants.

ORDER APPOINTING COUNSEL

This matter is before the Court *sua sponte*. On April 29, 2021, Plaintiff Joe Greene [“Plaintiff”] commenced this lawsuit against Defendants JJLV LLC d/b/a Cannaves [“JJLV”], Higher Cut LLC [“Higher Cut”], and Jonathan David Vesely [“Mr. Vesely”], asserting violations of the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.*, violations of the Colorado Wage Act, Colo. Rev. Stat. §§ 8-6-101 *et seq.*, as well as claims for civil theft, breach of contract, and unjust enrichment. (Doc. No. 1.) Although the case was filed well over a year ago, it is still in the relatively early stages of litigation due to service and other issues.

The parties’ dispute arose in connection with a Craigslist ad, which Plaintiff allegedly answered by coming “to Colorado to work for [Defendants’] marijuana cultivation facility, on promises of lucrative compensation.” (*Id.*) According to Plaintiff, Defendants “asked [Plaintiff]

to loan them \$25,000 and come and do some work, and in return he would become a partial owner and would earn between \$5,000 and \$10,000 every month.” (*Id.*) The agreement apparently soured, and Plaintiff brought this lawsuit.

Default has now entered against the two corporate defendants (Doc. Nos. 25, 30) and Plaintiff has indicated his intent to seek a default judgment as to both. (Doc. Nos. 21, 29.) Although Mr. Vesely—who proceeds *pro se*—has now filed a responsive pleading, the Court is concerned about his continued confusion over the posture of this case. (Doc. No. 91.) For example, Defendant Vesely filed an Answer on behalf of Defendants, (plural), despite the Clerk’s entry of default against JLV and Higher Cut; and docket activity in this case reflects, at a minimum, procedural errors by Mr. Vesely, but at most, serious confusion. (*Id.*) The Court is concerned that if Defendant Vesely continues to defend this case without legal representation, it will be extremely difficult for the parties and the court to properly address the issues and resolve the matter on the merits.

The Court has held various conferences with the parties, and it has had the opportunity to inquire about Mr. Vesely’s financial status as well as the circumstances surrounding the parties’ dispute. In accordance with D.C.COLO.LAttyR 15 of the Local Rules of Practice of the United States District Court for the District of Colorado-Attorney, the Court hereby determines that Defendant Jonathan David Vesely merits appointment of counsel drawn from the Civil Pro Bono Panel. The Court is satisfied that the following factors and considerations have been met: (1) the nature and complexity of the action; (2) the potential merit of Plaintiff’s claims; (3) the demonstrated inability of Plaintiff to retain counsel by other means; and (4) the degree to which

the interests of justice, including the benefit to the court, will be served by appointment of counsel. *See* D.C.COLO.LAttyR 15(f)(1)(B).

Accordingly, it is **ORDERED** that the Clerk shall select, notify, and appoint counsel to represent the unrepresented Defendant in this civil matter. The unrepresented Defendant is advised that the Clerk will select counsel from the Panel; however, **there is no guarantee that Panel members will undertake representation in every case selected as part of the Civil Pro Bono Panel program.** The Court cautions that the unrepresented Defendant continues to be responsible for all scheduled matters, including hearings, depositions, motions, and trial.

DATED: January 17, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Maritza Dominguez Braswell', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Maritza Dominguez Braswell
United States Magistrate Judge