

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHERIE R. DILLON and DENTAL  
HEALTHCARE WITH HEART, P.C.,  
(successor in interest to DENTAL  
HEALTHCARE WITH HEART,  
PLLC),

Defendants.

Case No. 1:17-cv-00498-BLW

**MEMORANDUM DECISION &  
ORDER REGARDING DEFENSE  
COUNSEL**

**INTRODUCTION**

The Court began conducting a show-cause hearing in this matter on March 25, 2024. *See Mar. 25, 2024 Minute Entry*, Dkt. 115. Defendant Cherie Dillon and her husband, third party Kenneth Dillon, appeared for the hearing without counsel. The Court advised the Dillons that they had the right to be represented by counsel in the contempt hearings if they could not afford to pay for counsel. At the conclusion of the hearing, the Court provisionally appointed counsel for Ms. Dillon and Mr. Dillon. Appointed counsel will work with their respective clients in filling out the necessary affidavits, to determine if they qualify for counsel. The show-cause hearing was continued to May 15, 2024.

## **DISCUSSION**

Upon review of the docket, the Court observed that attorney George Breitsameter, who represented Ms. Dillon in this matter, is no longer participating in the case. Rather, in March 2022, he simply filed a notice that he no longer wished to receive notifications in the case. *See March 24, 2022 Notice*. Since that time, Cherie Dillon has been representing herself, including filing numerous pro se pleadings. Given this state of affairs, the Court assumes Mr. Breitsameter wishes to withdraw as counsel and that Ms. Dillon wishes to represent herself in these proceedings. To formalize this, however, Mr. Breitsameter needs to file a motion to withdraw, in accordance with District of Idaho Local Rule 83.6.

The Court will clarify that while it has provisionally appointed counsel for Ms. Dillon in this matter, that attorney's representation will be limited to representing her in connection with the contempt proceedings. Accordingly, the situation still needs clarification with respect to the underlying proceeding – in terms of who is representing Ms. Dillon and defendant Dental Healthcare with Heart. For that reason, the Court will direct Mr. Breitsameter to file an appropriate motion. The Court will further direct the Clerk to resume providing notifications of court filings to Mr. Breitsameter and to continue doing so so long as Mr. Breitsameter remains counsel of record in this matter.

## ORDER

### IT IS ORDERED THAT:

- 1) Attorney George Breitsameter is directed to either file a status report with the Court, regarding the status of his representation of the defendants in this matter. Alternatively, if he wishes to file a formal motion to withdraw as counsel, he shall do so within 14 days of this Order. Any such motion shall comply with Local Rule 83.6.
- 2) The Clerk is directed to resume notifying Mr. Breitsameter of court filings in this matter and to continue doing so so long as Mr. Breitsameter remains counsel of record in this matter.



DATED: March 29, 2024

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill  
U.S. District Court Judge