

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

**JEFFREY C. SWANK and
ROOSTER'S COUNTRY BAR, INC.**

* **CIVIL ACTION NO. 10-0061**

VERSUS

* **JUDGE ROBERT G. JAMES**

**SCOTTSDALE INSURANCE
COMPANY**

* **MAG. JUDGE KAREN L. HAYES**

ORDER

This matter is currently scheduled for mediation before the undersigned on April 18, 2011. (Nov. 17, 2011, Order [doc. # 32]). Recently, however, defendant Scottsdale Insurance Company has filed a motion for partial summary judgment [doc. # 42]. Moreover, plaintiffs' counsel recently withdrew from the case because of plaintiff, Jeffrey Swank's refusal to cooperate or communicate with counsel. (M/Withdraw [doc. # 44]). The court afforded plaintiff until **April 30, 2011**, "to enroll new counsel or to inform the court IN WRITING of his intent to proceed pro se." (March 31, 2011, Order [doc. # 45]). Furthermore, because co-plaintiff, Rooster's Country Bar, Inc., is a corporation, it is not permitted to proceed pro se. Thus, it must retain new counsel by **April 30, 2011**. Plaintiffs' un-excused failure to so comply may result in dismissal of their claims. Fed.R.Civ.P. 41(b).

In light of these developments, the April 18, 2011, settlement conference is hereby upset.

IT IS SO ORDERED.

THUS DONE AND SIGNED in chambers, at Monroe, Louisiana, this 5th day of April 2011.



KAREN L. HAYES
U. S. MAGISTRATE JUDGE