

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARPENTERS' DISTRICT COUNCIL OF)
GREATER ST. LOUIS AND VICINITY, et al.,)
)
Plaintiffs,)
)
vs.)
)
RK BUILDERS, INC.,)
)
Defendant.)

Case No. 4:15-CV-435-RLW

MEMORANDUM AND ORDER

This matter is before the Court on Brian C. Hey's Motion to Withdraw (ECF No. 22). Mr. Hey claims that RK Builders has failed to make the required payments to Plaintiffs pursuant to the Stipulation for Entry of Consent Judgment. Mr. Hey contends that he has completed the assignment with RK Builders for which he was engaged, and Mr. Hey has not agreed to handle any post-judgment collection matters. Mr. Hey states that he notified RK Builders of his intention to withdraw from the case for alleged non-payment of funds on August 19, 2016, and RK Builders agreed that he should withdraw from this matter. Mr. Hey asks this Court to enter an Order: (a) allowing Mr. Hey and his firm to withdraw as counsel, (b) relieving Mr. Hey of any further obligations on behalf of RK Builders; and (c) directing all future pleadings, motions, discovery, and any other communications concerning this matter to RK Builders.

The Court notes that it entered a Stipulation for Entry of Consent Judgment (ECF No. 12) on September 9, 2015. This case is closed and there is nothing currently pending before the Court. As a result, the Court believes that Mr. Hey's motion should be denied as moot. In any event, the Court is not inclined to grant Mr. Hey's motion, which would effectively require RK Builders, Inc. to proceed without counsel. *See Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86

F.3d 852, 857 (8th Cir. 1996) (citing 28 U.S.C. § 1654; *United States v. Van Stelton*, 988 F.2d 70, 70 (8th Cir. 1993)) (“the law does not allow a corporation to proceed *pro se*”). Finally, the Court has no knowledge regarding Mr. Hey’s obligations to his client and whether those obligations have been fulfilled. The Court cannot affirmatively relieve Mr. Hey of any further obligation on behalf of RK Builders when the Court has no first-hand knowledge of their agreement for representation. For all of the foregoing reasons, the Court denies Mr. Hey’s motion without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Brian C. Hey’s Motion to Withdraw (ECF No. 22) is **DENIED** without prejudice.

Dated this 31st day of August, 2016.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE