

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-----------------------|---|---------------------|
| AMERICAN MODERN HOME |) | |
| INSURANCE COMPANY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:16 CV 215 CDP |
| |) | |
| AARON THOMAS, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

Plaintiff American Modern Home Insurance Company filed this declaratory judgment action on February 17, 2016, naming Aaron Thomas, Aimee Thomas, and Thiemann Real Estate, LLC, as defendants. Aaron and Aimee Thomas have appeared in this action pro se and have answered the complaint. Thiemann, through counsel, waived service on May 16 but has yet to file its answer. Counsel for Thiemann entered her appearance in this action on August 15 but filed a “Notice of Withdrawal” yesterday afternoon.

I ordered counsel for American Modern, counsel for Thiemann, and the Thomas defendants to personally appear before me today for Rule 16 conference. Thiemann’s counsel did not appear. At the conference, American Modern’s counsel stated that steps had been taken to settle this case as to all claims against all defendants and that he had been in communication with Thiemann counsel and the

Thomas defendants regarding this settlement. The Thomases stated that, at this stage of the proceedings, they wanted to pursue their defenses through litigation and indicated their need for the assistance of counsel. At my instruction, the clerk provided the Thomases with a form used by this Court for indigent parties who wish to request the appointment of counsel.

In light of the present status of the proceedings, I will order Thiemann to file its answer to American Modern's complaint. To the extent Thiemann's counsel seeks leave to withdraw through her "Notice of Withdrawal," I will deny such leave. Counsel of record will continue to represent Thiemann unless and until other counsel enters an appearance on its behalf.

In all other respects, I will stay further proceedings in this case for a short time until the status of legal representation for the Thomases is determined. I will also deny as moot the Thomases' current requests for discovery. Disclosure and discovery will proceed in accordance with the federal rules once this case resumes.

Accordingly,

IT IS HEREBY ORDERED that attorney Marisa L. Saber's request for leave to withdraw as counsel for defendant Thiemann Real Estate, LLC [31], is **DENIED**.

IT IS FURTHER ORDERED that defendant Thiemann Real Estate, LLC, shall answer or otherwise respond to plaintiff's complaint no later than **August 26,**

2016.

IT IS FURTHER ORDERED that, in all other respects, all proceedings in this case are **STAYED** pending further Order of the Court.

IT IS FURTHER ORDERED that the Thomases' pro se motions seeking discovery from American Modern Home [24] [25] are **DENIED AS MOOT.**



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 19th day of August, 2016.