

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

**FILED**

KROHNE FUND, LP,

Plaintiff,

vs.

STUART M. SIMONSEN, and  
KAPIDYIA CAPITAL PARTNERS,  
LLC,

Defendants.

JUN 02 2017

Clerk, U.S. District Court  
District Of Montana  
Helena

No. CV-12-04-BLG-SEH

**ORDER**

Pending before the Court is the motion of T. Thomas Singer (“Singer”) and Elizabeth L. Griffing (“Griffing”) to withdraw as counsel for Kapidya Capital Partners, LLC.<sup>1</sup> The motion text recites, in part:

Counsel for Plaintiff was contacted regarding this motion by email on Tuesday, May 16, and again by telephone and email on Friday, May 19, 2017. As of the time of filing, counsel had not responded.<sup>2</sup>

In order to comply with L.R. 7.1(c)(1)’s requirement for communication with other parties, “[t]he text of the motion must state that other parties have been contacted and state whether any party objects to the motion.”<sup>3</sup>

The statement in Singer and Griffing’s motion does not satisfy counsel’s

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<sup>1</sup> Doc. 133.

<sup>2</sup> Doc. 133 at 2.

<sup>3</sup> L.R. 7.1(c)(1).

obligations under L.R. 7.1. Good faith compliance requires both contact with other parties and a statement of whether any object to the motion. Direct dialogue and discussion in a face to face meeting (whether in person or by electronic means), in a telephone conversation, or in detailed, comprehensive correspondence is necessary if the requirements of the rule are to be met.

Counsel are reminded that failure to comply with L.R. 7.1 "may result in summary denial of the motion."<sup>4</sup>

ORDERED:

Singer and Griffing shall forthwith take all steps necessary and appropriate: (1) to comply with L.R. 7.1(c)(1) as related to the Motion to Withdraw as Counsel for Kapidya Capital Partners, LLC;<sup>5</sup> and (2) to provide the Court with a statement of such compliance on or before June 7, 2017.

DATED this 2<sup>nd</sup> day of June, 2017.



SAM E. HADDON  
United States District Judge

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<sup>4</sup> L.R. 7.1(c)(4).

<sup>5</sup> Doc. 133.