

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BARIKA AFRICAN MARKET, INC.,)	
SAMPSON NPIMNEE, Owner, and)	
VERONICA NPIMNEE, Owner,)	
)	
Plaintiffs,)	4:09CV3111
)	
v.)	
)	MEMORANDUM AND ORDER
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

The parties have jointly moved to continue the progression schedule in this case. (Filing No. 40). The parties’ motion explains plaintiffs’ counsel will be leaving private practice as of September 30, 2010, to begin employment with the Lincoln City Attorney’s office; the plaintiffs need to retain new counsel; extensive discovery was recently served on the defendant; and as a result of all these circumstances, all parties need additional time to prepare this case for trial.

The parties have proposed a new progression schedule. Rather than approve the proposed schedule at this time, the court will stay the case until plaintiffs’ new counsel enters an appearance or, as to the individual plaintiffs only,¹ those plaintiffs notify the court of their intent to litigate this action *pro se*. After the issue of plaintiffs’ future representation is resolved, the parties and the court will confer and a new progression schedule will be entered. Accordingly,

IT IS ORDERED that the parties’ joint motion to continue, (filing no. 40), is granted in part and denied in part as follows:

- 1) The progression schedule for this case is stayed pending further order of the court.
- 2) Plaintiffs’ current counsel, Jeffery R. Kirkpatrick, shall file his motion to withdraw on or before September 30, 2010.

¹Corporations cannot litigate federal court cases without counsel representation.

- 3) On or before October 21, 2010, plaintiff Barika African Market, Inc., shall obtain the services of substitute counsel and have that attorney file an appearance on its behalf, and plaintiffs Sampson Npimnee and Veronica Npimnee shall either: (1) obtain the services of substitute counsel and have that attorney file an appearance on their behalf; or (2) file a statement notifying the court of their intent to litigate this case without counsel.
- 4) Within ten days after the plaintiffs' representation issues are resolved, (see paragraph 3 of this order), the parties shall contact my chambers to schedule a telephonic conference to discuss the progression schedule for this case.
- 5) Plaintiffs' current counsel, Jeffery R. Kirkpatrick, shall promptly provide a copy of this memorandum and order to the plaintiffs, and shall file a certificate of service (which includes the plaintiffs' addresses along with the date and method of service) stating he has done so.

DATED this 28th day of September, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge