

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HARLEY-DAVIDSON CREDIT)
CORP.,)

Plaintiff,)

4:10CV3094

v.)

ELWORTHS' HARLEY-DAVIDSON)
SALES & SERVICE, INC., GREG)
ELWORTH, and MARY JO)
ELWORTH,)

MEMORANDUM AND ORDER

Defendants.)

The court’s memorandum and order dated August 24, 2010 gave the defendants until September 9, 2010 to show cause why a default should not be entered against them for failing to either obtain representation or, in the case of the individual defendants, notify the court of their intent to proceed pro se. Filing No. [44](#).

Defendant Greg Elworth filed a letter on September 3, 2010, which in essence states he is attempting to work directly with counsel for the plaintiff to resolve this case without further court intervention. Filing No. [45](#).

Accordingly,

IT IS ORDERED:

- 1) The defendants have adequately responded to the court’s show cause order, (filing no. [44](#)).
- 2) The defendants’ deadline for complying with the court’s prior order, (filing no. [33](#)), is continued.
- 3) Unless the plaintiff has filed a motion for voluntary dismissal of this case by October 28, 2010, on or before October 29, 2010, the defendant, Elworths’

Harley-Davidson Sales & Service, Inc., shall obtain the services of substitute counsel and have that attorney file an appearance on its behalf, and defendants Greg Elworth and Mary Jo Elworth shall either: (1) obtain the services of substitute counsel and have that attorney file an appearance in their behalf; or (2) indicate, by pleading, that they will litigate this case and their defenses without counsel.

- 4) Absent timely compliance with paragraph (3) of this order, the court may enter a default against the non-complying defendant(s) without further notice.

DATED this 20th day of September, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge