

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

**SJT DEVELOPMENT, INC., a
Nevada Corporation, and SANDRA
M. TRIANTAFILLOS,**

Plaintiffs,

V.

**RACHEL L. RIEGER, DAVID L.
RIEGER, DEANA M. GUHDE,
DAVID F. GUHDE, MATTHEW
WILSON, ENDEAVOR
DEVELOPMENT & INVESTMENT
GROUP, INC., a Nevada Corporation,
JOHN REYES, JEFFREY KINNICK,
JAMES VEGA, JOHN DOES I-V,
real names unknown, LEVEL ONE
FINANCIAL, INC., a California
Corporation, STAR CAPITAL
CORPORATION, a Delaware
Corporation, SILVER HILL
FINANCIAL, LLC, a Delaware
Limited Liability Company,
WACHOVIA BANK, NA, JOHN L.
BERNARD, IB PROPERTY
HOLDINGS, LLC, a Delaware
Limited Liability Company, RANDY
BENNETT, and BAYVIEW LOAN
SERVICING, LLC, a Delaware
Limited Liability Company,**

Defendants.

8:11CV179

**ORDER AND FINDINGS AND
RECOMMENDATION**

On October 13, 2011, David A. Domina and Domina Law Group, P.C., L.L.O. filed a motion seeking to withdraw as counsel for Plaintiffs ([filing 57](#)). Because corporate clients, such as SJT Development, Inc., cannot proceed pro se, the court, by order dated October 17, 2011, ruled that an evidentiary hearing on the motion to withdraw was necessary. ([Filing](#)

[59.](#)) The court's October 17, 2011 order set the motion to withdraw for hearing and directed Plaintiff Sandra M. Triantafillos and an officer of Plaintiff SJT Development, Inc. to attend the proceedings.

An evidentiary hearing on the motion to withdraw was held on November 14, 2011. Neither Sandra M. Triantafillos, nor an officer of Plaintiff SJT Development, Inc. were in attendance. Following argument at the hearing, the court concluded that the motion to withdraw should be granted and stated that a written order would be issued, both formally granting the motion to withdraw and addressing the motions to dismiss (filings [31](#) & [42](#)) filed by Defendant Matthew Wilson and Defendant IB Property Holdings, LLC.¹

On account of David A. Domina and Domina Law Group, P.C., L.L.O.'s withdrawal from this action, Plaintiffs are presently unrepresented in this matter. Despite Plaintiff Sandra M. Triantafillos' failure to attend the evidentiary hearing as ordered, the court will permit Ms. Triantafillos to submit an affidavit explaining her absence and, additionally, allow her to respond to the pending motions to dismiss. Ms. Triantafillos will be ordered to accomplish these tasks by November 29, 2011. If Ms. Triantafillos fails to comply with this order, the undersigned will recommend that this action be dismissed in its entirety.

With respect to Plaintiff SJT Development, Inc., the undersigned will now recommend to the Honorable Laurie Smith Camp that judgment be entered in favor of Defendants. Because SJT Development is not represented by counsel, it is presently in default. *See Ackra Direct Marketing Corp. v. Fingerhut Corp.*, 86 F.3d 852 (8th Cir. 1996). Therefore, judgment in favor of Defendants as to the claims asserted by SJT Development is appropriate.

Accordingly,

IT IS ORDERED:

¹ The motions to dismiss filed by these defendants had been held in abeyance pending a ruling on the motion to withdraw.

1. David A. Domina and Domina Law Group's motion to withdraw as counsel ([filing 57](#)) is granted.
2. The Clerk shall terminate the appearance of David A. Domina and Domina Law Group as Plaintiffs' counsel in this matter.
3. The Clerk shall terminate future notices to David A. Domina and Domina Law Group in this matter.
4. By or before November 29, 2011, Sandra M. Triantafillos shall file an affidavit showing cause as to why judgment should not be entered in Defendants' favor as a result of her failure to appear at the evidentiary hearing as ordered. Further, by November 29, 2011, Ms. Triantafillos shall respond to the motions to dismiss filed by Defendant Matthew Wilson and Defendant IB Property Holdings, LLC (filings [31](#) & [42](#)). Failure to comply with this court's order will result in a recommendation that this matter be dismissed.
5. The Clerk shall mail a copy of this order to Sandra M. Triantafillos, individually, and as President of SJT Development, Inc., at 139 Bowers Hill, Rd., Oxford, Connecticut 06478.

FURTHER, IT IS HEREBY RECOMMENDED to the Honorable Laurie Smith Camp that Plaintiff SJT Development, Inc. be held in default and that judgment be entered in favor of Defendants as to all claims asserted by this Plaintiff.

DATED November 15, 2011.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**