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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS DAVIS, III, et al.,

Plaintiff,

vs.

WESTGATE PLANET HOLLYWOOD OF LAS
VEGAS, LLC, et al.,

Defendant.

Case No. 2:08-cv-00722-RCJ-PAL

ORDER

(Mtn to Withdraw - Dkt. #523)

This matter is before the court on the Motion to be Relived as Counsel (Dkt. #523) filed April 16, 2012. Leon Greenberg seeks to withdraw as counsel of record for Plaintiff Emmanuel Wiest. The Motion represents that Plaintiff Weist has failed and refuses to maintain contact with counsel. Counsel have advised Mr. Weist of his need to remain in contact with them, and they have provided a toll free number for him to do so. Counsel no longer has a current address for Mr. Weist, and efforts to contact him by telephone are unsuccessful. Since 2009, Mr. Weist has gone for extended periods of months without contacting counsel. This case, which was removed to this court on June 4, 2008, arises under the Fair Labor Standards Act, and there are approximately six hundred opt in Plaintiffs. Counsel have recently negotiated a settlement of this case that requires the signature of all of the named Plaintiffs. Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.”

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED:

- 1. The Motion to Withdraw (Dkt. #523) is GRANTED.

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2. Plaintiff Weist shall have until **May 17, 2012**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice or to file a statement that he will be proceeding pro se.

3. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.

4. The Clerk of Court shall serve a copy of this Order on Plaintiff Weist at:

Emmanuel Weist
C/o Mission Pines Nursing & Rehab
2860 E. Cheyenne Ave.
North Las Vegas, NV 89030

Dated this 26th day of April, 2012.



PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE