



1       **II.     Motion to Compel Mediation in Good Faith (#40)**

2               On December 16, 2011, the Court granted Plaintiff’s Motion for a Settlement Conference,  
3       giving the parties until January 4, 2012 to file a status report concerning the party’s agreement to  
4       mediate. On January 4, 2012, the parties informed the Court they have agreed to mediation with a  
5       private mediator on February 23, 2012. In light of Hutchison & Steffen’s withdrawal and other  
6       representations made by Defendants, Plaintiff NMBL Capital Group requests that the Court compel  
7       Defendants to attend the scheduled mediation and participate in good faith. The Court will grant  
8       Plaintiff’s Motion to Compel Mediation in Good Faith to the extent that if Defendants do not  
9       appear for the scheduled mediation conference and make a good faith effort to mediate, the Court  
10      will entertain a motion for award of expenses incurred by Plaintiffs, together with the reasonable  
11      attorney’s fees and costs associated with Defendants’ failure to participate in the mediation  
12      conference. Accordingly,

13              **IT IS HEREBY ORDERED** that Hutchinson & Steffen’s Motion to Withdraw as Counsel  
14      for Silverleaf Financial, LLC, Dwight Shane Baldwin, and Kim Schneider (#33) is **granted**.

15              **IT IS FURTHER ORDERED** that Dwight Shane Baldwin and Kim Schneider shall have  
16      until **Thursday, March 22, 2012**, to advise the Court if they will retain new counsel. While  
17      Dwight Shane Baldwin and Kim Schneider may choose to retain new counsel or proceed *in proper*  
18      person, **Silverleaf Financial LLC** must retain new counsel if it intends to continue to litigate this  
19      matter. A corporation may appear in federal court only through licensed counsel. *U.S. v. High*  
20      *Country Broad. Co., Inc.*, 3 F.3d 1244, 1245 (9<sup>th</sup> Cir. 1993).

21              **IT IS FURTHER ORDERED** that the Clerk of the Court shall:

- 22              1.       add the last known address of **Dwight Shane Baldwin** and **Kimberly Schneider** to  
23                      the civil docket:

24                      **Dwight Shane Baldwin**  
25                      239 South Main Street, 15<sup>th</sup> Fl  
                            Salt Lake City, UT 84111

26                      **Kimberly Schneider**  
27                      239 South Main Street, 15<sup>th</sup> Fl  
                            Salt Lake City, UT 84111

28      ...

