

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LESLIE NACHMAN,)
)
 Plaintiff,)
)
 vs.)
)
 REGENOCYTE WORLDWIDE, INC., et al.,)
)
 Defendants.)

Case No. 2:13-cv-00319-MMD-PAL

ORDER

(Mtn to Withdraw - Dkt. #31)

This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #31) filed June 12, 2013. Gabriel L. Grasso seeks to withdraw as counsel of record for Defendants Michael Calcaterra and Intercellular Sciences, LLC. The Motion represents that these Defendants have failed to pay for legal services rendered, and further representation would be an unreasonable financial burden on counsel. Additionally, Defendants have not been in contact with counsel since May 17, 2013, despite counsel’s efforts to contact them. 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.” The Complaint (Dkt. #1) was filed in this case on February 26, 2013. The parties have not yet filed a proposed discovery plan and scheduling order and a number of Defendants have been defaulted.

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

IT IS ORDERED:

1. The Motion to Withdraw (Dkt. #31) is GRANTED.
2. A corporation cannot appear except through counsel. *Rowland v. California Men’s Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Therefore, Defendant Intercellular Sciences, LLC, shall

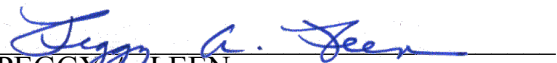
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

have until **July 19, 2013**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice.

- 3. Defendant Michael Calcaterra shall have until **July 19, 2013**, in which to either retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice or file a notice that he will appear pro se.
- 4. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.
- 5. The Clerk of Court shall serve a copy of this Order on Defendants at:

Michael Calcaterra
Intercellular Sciences, LLC
13092 Sandy Key Bend #4
N. Fort Meyers, FL 33903

Dated this 19th day of June, 2013.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE