

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

* * *

BELLAGIO, LLC, et al.,

Plaintiffs,

v.

KISLEY, INC., et al.

Defendants.

Case No. 2:14-cv-01362-JCM-PAL

ORDER

(Amd. Mot. To Withdraw – Dkt. #29)

This matter is before the court on Daniel Aquino’s Amended Motion to Withdraw as Counsel of Record (Dkt. #29) for Defendants Kislev, Inc., and Tri Star Auto Spa, Inc., and Declaration (Dkt. #26). An earlier motion to withdraw was denied because counsel had not provided the clients’ last known address. That omission has now been remedied.

The motion represents the insurance carrier for Defendants Kislev, Inc. and Tri Star Auto Spa, Inc. (“Defendants”) has decided its policy does not provide coverage for this lawsuit and will no longer defend effective March 31, 2015. The clients elected not to continue with the law firm of McCormick, Barstow, Sheppard, Wayte and Carruth (“Law Firm”), and directed that the litigation file be forwarded to their counsel, Ronald Richards at the address provided which has been done. As such, Mr. Aquino and the Law Firm request to withdraw from representation.

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

IT IS ORDERED that:

1. Daniel Aquino’s Amended Motion to Withdraw (Dkt. #29) is **GRANTED**.
2. A corporation cannot appear except through counsel. *See Rowland v. California Men’s Colony*, 506 U.S. 194, 201-02 (1993); *United States v. High Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Accordingly, Defendants Kislev, Inc. and

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

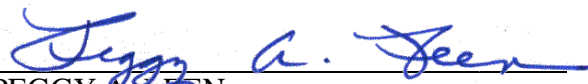
Tri Star Auto Spa, Inc. shall have until **May 12, 2015**, to designate counsel of record who shall make an appearance on their behalf.

3. Defendants' failure to timely comply with this court's order to obtain substitute counsel may result in sanctions up to and including dispositive sanctions.
4. The clerk of the court shall serve the Defendants with a copy of this order at their last known addresses:

KISLEV, INC., dba BELLAGIO CAR WASH & EXPRESS LUBE
4457 Manhattan Beach Blvd.
Lawndale, CA 90260-2037

TRI STAR AUTO SPA, INC., dba TRI STAR CAR WASH
6344 Sepulveda Blvd.
Van Nuys, CA 91411

DATED this 21st day of April, 2015.


PEGGY A. FEEN
UNITED STATES MAGISTRATE JUDGE