

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

\* \* \*

AETNA, INC.,  
  
v.  
  
ALL MARKET PRODUCTS & SERVICES,  
LLC, et al.,  
  
Plaintiff,  
  
Defendants.

Case No. 2:16-cv-01819-JAD-PAL  
  
ORDER  
  
(2nd Mot WD - ECF No. 39)

Before the court is counsel for Defendants (1) All Market Product & Services, LLC; (2) Dental Club America, LLC; (3) Ryan Ousdahl; and (4) Andrew D. Ross’ Second Unopposed Motion to Withdraw as Attorneys of Record (ECF No. 39). The motion indicates that notice was given to the clients and the file turned over to them on November 1, 2016 and that “withdrawal was effective on November 1, 2016.” Additionally, all fees were refunded although substantial work was performed and fees were earned. The supporting declaration of counsel indicates that opposing counsel was advised and has no opposition to withdrawal.

LR IA 11-6(b) states that “[n]o attorney may withdraw after appearing in a case except by leave of court after notice has been served on the affected client and opposing counsel.” Furthermore, 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). The Ninth Circuit has held that default judgment is an appropriate sanction for a corporation’s failure to retain counsel for the duration of the litigation. *United States v. High Country Broadcasting*, 3 F.3d 1244, 1245 (9th Cir. 1993).

For good cause shown,

///

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

**IT IS ORDERED** that:

1. Defense counsel’s Second Unopposed Motion to Withdraw (ECF No. 39) is **GRANTED**.
2. Defendants Ryan Ousdahl and Andrew D. Ross shall have until **December 28, 2016**, in which to retain substitute counsel who shall make an appearance in accordance with the requirements of the Local Rules of Practice, or shall file a notice with the court that he will be appearing in this matter *pro se*, that is representing themselves.
3. Defendants’ Ousdahl and Ross’ failure to timely comply with this order by either obtaining substitute counsel, or filing a notice that they will be appearing in this matter *pro se* may result in the imposition of sanctions, which may include a recommendation to the District Judge for case ending sanctions such as default judgment.
4. Defendants All Market Products & Services, LLC and Dental Club America, LLC, shall have until **December 28, 2016**, in which to retain substitute counsel who shall make an appearance in accordance with the requirements of the Local Rules of Practice.
5. Defendants All Market Products & Services, LLC and Dental Club America, LLC’s failure to timely comply with this order by obtaining substitute counsel may result in the imposition of sanctions, which may include a recommendation to the District Judge to the District Judge for case ending sanctions such as default judgment.
6. The Clerk of the Court shall serve the defendants with a copy of this order at their last known addresses:

All Market Products & Services, LLC  
1930 Village Center Circle, Suite 3-627  
Las Vegas, NV 89134

Dental Club America, LLC  
1930 Village Center Circle, Suite 3-627f  
Las Vegas, NV 89134

Ryan Ousdahl  
38150 Via Huerta  
Monarch Beach, CA 92562

///  
///

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

Andrew D. Ross  
24040 Camino Del Avion A142  
Monarch Beachy, CA 92629

DATED this 28th day of November, 2016.

  
\_\_\_\_\_  
PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE