

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

* * *

BOARD OF TRUSTEES OF THE
TEAMSTERS LOCAL 631 SECURITY
FUND FOR SOUTHERN NEVADA, et al.,

Plaintiffs,

v.

LIGHTNING EXHIBITS, LLC, et al.,

Defendants.

Case No. 2:16-cv-03032-RFB-PAL

ORDER

(Mot WD Atty – ECF No. 56)
(Stip Ext Jt PTO – ECF No. 57)

Before the court is counsel for defendant Lightning Exhibits, LLC’s Renewed Motion for Withdrawal as Counsel (ECF No. 56). The motion represents that the client has failed to comply with its financial obligations to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. (“the Firm”). Counsel avers that the client has been informed the firm would withdraw if payment was not received. For these reasons, the firm seeks to withdraw as counsel of record.

The initial motion was denied because counsel did not provide proof of service of the motion on the affected client and did not provide any information concerning the last known address of the corporate client or the name of the client’s authorized representative. The motion has now been served on the client via email and Federal Express, and contact information has been provided. The parties also filed a Stipulation and Order to Extend Deadline to file Pre-Trial Order (ECF No. 57) 30 days from decision of this motion. The pretrial order is currently due October 24, 2018. There are no dispositive motions pending.

A corporation cannot appear except through counsel. *See Rowland v. California Men’s Colony*, 506 U.S. 194, 201–02 (1993); *Reading Int’l, Inc. v. Malulani Grp., Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016). The Ninth Circuit has held that default judgment is an appropriate sanction

1 for a corporation's failure to retain counsel for the duration of the litigation. *United States v. High*
2 *Country Broadcasting*, 3 F.3d 1244, 1245 (9th Cir. 1993).

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

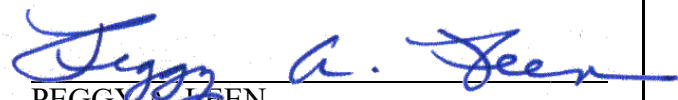
4 **IT IS ORDERED** that:

- 5 1. The Motion for Withdrawal of Counsel (ECF No. 56) is **GRANTED**.
- 6 2. Defendant Lightning Exhibits, LLC plaintiff shall have until **November 22, 2018** in
7 which to retain substitute counsel who shall make an appearance in accordance with
8 the requirements of the Local Rules of Practice.
- 9 3. Defendant Lightning Exhibits, LLC's failure to timely comply with this order by
10 obtaining substitute counsel may result in the imposition of sanctions, which may
11 include a recommendation to the District Judge of default judgment.
- 12 4. The Clerk of the Court shall serve the plaintiff with a copy of this order at Lightning
13 Exhibits, LLC's last known address:

14 Lightning Exhibits, LLC
15 c/o Tammy Lasley
16 15110 Pine Valley Blvd.
17 Clermont, FL 34711

- 18 5. The Stipulation to Extend the Joint Pretrial Order (ECF No. 57) is **GRANTED** and the
19 deadline for filing the Joint Pretrial Order is extended until **November 29, 2018**.

20 DATED this 23rd day of October 2018.

21 
22 PEGGY A. LEEN
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28