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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TYGER MANUFACTURING LLC,

Plaintiff,

v.

SHENZHEN AIRIS ELECTRON CO., LTD.,

Defendant.

Case No. 2:17-cv-00434-RFB-PAL

ORDER

(Mot WD Atty – ECF No. 6)

This matter is before the court on Don Springmeyer and Jordan J. Butler’s Motion to Withdraw as Counsel for Plaintiff (ECF No. 6) filed April 19, 2017. The motion represents that communications regarding the lawsuit and the obligations between plaintiff and counsel “have not continued in a manner necessary for counsel to proceed on plaintiff’s behalf.” Counsel represent that they have informed the client on multiple occasions of the reasons for and necessity of filing a motion to withdraw. They therefore seek leave to withdraw as counsel of record. The client was served with the motion at its last known address.

Plaintiff filed its Complaint (ECF No. 1) February 9, 2017, and has 90 days from filing the complaint to serve the summons and complaint. Fed. R. Civ. P 4(m). To date, proof of service has not been filed.

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). Dismissal of all claims with prejudice is appropriate sanction for a plaintiff entity that fails to retain counsel. *Multi Denominational Ministry of Cannabis & Rastafari, Inc. v. Gonzales*, 474 F. Supp. 2d 1133, 1141 (N.D. Cal. 2007), *aff’d sub nom. Multi-Denominational Ministry of Cannabis & Rastafari, Inc. v. Holder*, 365 F. App’x 817 (9th Cir. 2010).

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1 Out-of-state counsel has not submitted a pro hac vice application, or designated local
2 counsel, and will not be recognized as counsel of record unless and until he has fully complied
3 with the Local Rules of Practice and the district judge has entered an order granting his pro hac
4 vice application. See LR IA 11-2.


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

6 **IT IS ORDERED:**

- 7 1. The Motion to Withdraw (ECF No. 6) is **GRANTED**.
- 8 2. Plaintiff Tyger Manufacturing LLC shall have until **June 5, 2017**, in which to retain
9 substitute counsel who shall make an appearance in accordance with the
10 requirements of the Local Rules of Practice.
- 11 3. Failure to timely comply with this order by obtaining substitute counsel may result
12 in the imposition of sanctions, which may include a recommendation to the District
13 Judge that plaintiff's complaint be dismissed for failure to prosecute. See Fed. R.
14 Civ. P. 41(b).
- 15 4. The Clerk of the Court shall serve the plaintiff with a copy of this order at his last
16 known address:

17 Tyger Manufacturing LLC dba 7Pipe
18 c/o Jeffrey Han, Manager
19 1528 S. El Camino Rd., Ste. 108
San Mateo, CA 94402

20 DATED this 5th day of May, 2017.

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23 PEGGY A. FEEN
24 UNITED STATES MAGISTRATE JUDGE
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