

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**CORNICHE CAPITAL, LLC; NM GAS
HOLDINGS 1, LLC; NM GAS HOLDINGS 2, LLC;
and DE LiqNM LLC;**

Plaintiffs/Counter-defendants;

v.

No. 17-cv-0106 MCA/SMV

W & N ENTERPRISES, INC.;

Defendant/Counterclaimant.

**ORDER GRANTING PLAINTIFFS' COUNSEL'S MOTION TO WITHDRAW
AND ORDERING PLAINTIFFS TO SHOW CAUSE**

THIS MATTER is before the Court on Plaintiffs' Counsel's Motion to Withdraw. [Doc. 31]. Plaintiffs' Counsel, Patrick J. Griebel, moves to withdraw as counsel. Neither Plaintiffs nor Defendant oppose the motion. *Id.* The motion complies with the requirements of D.N.M.LR-Civ. 83.8. The Court finds the motion is well-taken and will be GRANTED. Additionally, the Court will require Plaintiffs to show cause why their claims should not be dismissed and default judgment entered against them on Defendant's counterclaim.

Plaintiffs' counsel filed his motion to withdraw on August 23, 2017. [Doc. 31]. Plaintiffs did not oppose the motion but requested 30 days by which to obtain new counsel. *Id.* More than 30 days have passed, and no new counsel has entered an appearance on behalf of Plaintiffs. In compliance with D.N.M.LR-Civ. 83.8, the motion to withdraw provided notice that Plaintiffs may appear only with an attorney. *Id.* It further provided that, absent the entry of appearance by a new attorney, any filings by Plaintiffs could be struck and default judgment or other sanctions imposed against them. *Id.*; *see Ehrenhaus v. Reynolds*, 965 F.2d 916, 921

(10th Cir. 1992) (district courts have discretion to dismiss an action for failure to comply with the Federal Rules of Civil Procedure or court order, after weighing several factors); *see also Two Old Hippies, LLC v. Catch the Bus, LLC*, 784 F. Supp. 2d. 1221, 1230 (D.N.M. 2011) (granting the plaintiff's motion to strike pleadings and for entry of default judgment against defendant company, which was no longer represented by counsel, unless the company obtained counsel within ten days); *FTS Distribs. of Cal. v. Sandia Tobacco Mfrs., Inc.*, 06-cv-0704 RB/CEG, [Doc. 109] at 3–4 (D.N.M. Oct. 11, 2007) (dismissing the plaintiffs' claims and granting default judgment on the counterclaims following their failure to obtain counsel, after considering the *Ehrenhaus* factors).

IT IS THEREFORE ORDERED that Plaintiffs' Counsel's Motion to Withdraw [Doc. 31] is GRANTED. Patrick J. Griebel is terminated as counsel for Plaintiffs.

IT IS FURTHER ORDERED that Plaintiffs show cause no later than **November 1, 2017**, why their complaint should not be dismissed and default judgment entered against them on Defendant's counterclaim.

IT IS FURTHER ORDERED that the Clerk of the Court mail a copy of this Order to Mr. David Ebrahimzadeh at 551 Madison Avenue, Suite #1101, New York, NY, 10022.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge