

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
DISCOVER GROWTH FUND, LLC,	:	
	:	<b><u>ORDER</u></b>
Plaintiff,	:	
v.	:	20 Civ. 2857 (AKH)
	:	
OWC PHARMACEUTICAL RESEARCH CORP.,	:	
	:	
Defendant.	:	
	:	
-----	X	

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Discover Growth Fund, LLC brought suit against Defendant OWC Pharmaceutical Research Corp (OWCP) on March 6, 2020 (ECF No. 1). Plaintiff alleged that OWCP breached its contractual obligations under parties' Securities Purchase Agreement ("SPA") and Registration Rights Agreement (the "RRA").

I granted a preliminary injunction on April 29, 2020, ordering OWCP to take all actions necessary to become and remain current in its public filing obligations under the Securities Exchange Act of 1934 as required by the SPA and the RRA (ECF No. 18). I subsequently granted Plaintiff's motion to withdraw its motion for summary judgment (ECF No. 43).

Defense counsels Dov Schwell and Melinda Holly Chester of Schwell Wimpfheimer & Associates LLP ("SWA") assert that, as of September 13, 2022, they had not heard from Defendant for more than a year, and therefore intended to move to withdraw as counsel for OWCP (ECF No. 46). I heard the parties' counsels at a status conference on November 18, 2022.

I require Defendant's counsel to provide a table of organization of Defendant as they last knew it under oath, and to update the Court on the status of the OWCP as a company. Upon doing so Defendant's counsel will be allowed to withdraw.

The Defendant cannot appear by itself in the action. It must retain substitute counsel by January 3, 2023, and that counsel must file a notice of appearance by said date. A status conference will be held on January 6, 2023, at 10:00 a.m.,s to discuss the ongoing progress in the case whether as a defended matter or as a defaulted matter. Plaintiff shall appear at that conference with a definite plan about how to proceed with the case.

SO ORDERED.

Dated: November 18, 2022  
New York, New York

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge