

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WATERKEEPER ALLIANCE INC., :

Plaintiff, :

-against- :

SPIRIT OF UTAH WILDERNESS, INC., :
d/b/a GREAT SALT LAKEKEEPER, or :
GREAT SALT LAKE WATER KEEPERS, :
Defendant. :

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NELSON S. ROMÁN, United States District Judge:

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10-cv-1136 (NSR)
ORDER

Plaintiff Waterkeeper Alliance, Inc. (“Plaintiff”) commenced this action asserting claims against Defendant Spirit of Utah Wilderness, Inc. (“SUW”) and its officers for, *inter alia*, trademark infringement. By Opinion and Order, dated January 22, 2020, this Court granted Plaintiff’s motion seeking to hold Defendant SUW, its officers, and Jeffrey Salt (“Mr. Salt”) in further contempt and for an order of imprisonment. (ECF No. 171.) Pursuant to that Opinion and Order, the Court directed Mr. Salt, as an officer and principal of Defendant SUW, to surrender to the United States Marshal for the Southern District of New York, located at 300 Quarropas Street, White Plains, New York, on March 23, 2020 by 2:00 pm to be incarcerated until such time as he purged Defendant SUW and himself of the contempt. (*Id.*) Since March 23, 2020, the Court has granted Mr. Salt twelve extensions to the deadline for his surrender. (ECF Nos. 183, 187, 189, 194, 201, 205, 209, 213, 218, 225, 227, & 231.)

Now, by letter dated September 2, 2021, Mr. Salt, through his counsel, requests an additional extension due to his continued medical issues. (ECF No. 232.) Mr. Salt’s request for an extension is granted. Mr. Salt’s date to surrender is extended to October 12, 2021 at 12 pm. Mr. Salt is directed to provide medical documentation to support his assertion that he is unable to

travel due to a specified medical condition on or before October 4, 2021. Mr. Salt is further directed to provide proof to the Court and to Plaintiff that he has taken all steps to purge himself of the contemptuous conduct on or before October 4, 2021.

The September 2, 2021 letter also requests Mr. Salt's counsel be relieved and replaced as CJA counsel for Mr. Salt's contempt and civil confinement proceedings. (ECF No. 232.) Mr. Salt has had a total of three attorneys request to withdraw from this matter since June of 2020. (ECF Nos. 187, 220, & 232.) Each attorney has cited Mr. Salt's dissatisfaction with counsel or irreconcilable differences as the reason for the withdrawal. (*Id.*) Mr. Salt cannot continue to be allowed to create problems with his assigned counsel in order to receive replacement counsel and further delay his surrender. *Guzman v. Fischer*, No. 02 Civ.7448 WK AJP., 2003 WL 21744086, at *13 (S.D.N.Y. July 29, 2003) ("a defendant may seek to change counsel in order to delay trial, thus interfering with the interests of justice"). Counsel for Mr. Salt's request to withdraw as CJA counsel is denied without prejudice to renew at a later date.

For the foregoing reasons, the Court GRANTS Mr. Salt's request for an extension to the deadline for his surrender on the condition that he provide medical documentation and proof that he has taken all steps to purge himself of the contemptuous conduct by October 4, 2021. Mr. Salt's time to surrender is extended to October 12, 2021 at 12 pm. The Court DENIES counsel's request to withdraw without prejudice. The Clerk of the Court is kindly directed to terminate the motion at ECF No. 232.

Dated: September 8, 2021
White Plains, New York

SO ORDERED



NELSON S. ROMÁN

United States District Judge