

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

ERIC J. RUTHERFORD,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 11-CV-445-CVE-FHM
	)	
REGIONAL HYUNDAI, LLC.,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

**OPINION AND ORDER**

Defendant Regional Hyundai, LLC’s Motion to Extend All Remaining Scheduling Order Deadlines and/or Motion to Compel [Dkt. 24 & 26] and Motion to Withdraw as Plaintiff’s Attorney of Record [Dkt. 32] are before the court for decision.

Attorney John W. Harker has shown good cause for his withdrawal. The Motion to Withdraw as Plaintiff’s Attorney of Record [Dkt. 32] is hereby **GRANTED** subject to the condition that, attorney Harker’s withdrawal as counsel shall not be effective until the entry of appearance of substitute counsel for Plaintiff or the filing of a statement by Plaintiff that he will represent himself in this case. Attorney Harker is required to actively serve as counsel for Plaintiff until Plaintiff fully complies with the conditions set forth in this Order. Attorney Harker shall immediately serve a copy of this Order on Plaintiff.

Plaintiff, Eric J. Rutherford, is ordered to cause substitute counsel to enter an appearance in this case or file a statement with the clerk of this court that he will represent himself in this case by February 29, 2012. Failure to comply with this order may result in the imposition of sanctions including dismissal of this case.

Plaintiff is not authorized to file any documents with the court through the CM/ECF system or by e-mail. If Plaintiff elects to represent himself he shall file that statement in paper form and shall include a physical address where he may be served with notices. The e-mails previously sent to the court by Plaintiff will not be filed or considered by the court. However, Plaintiff may re-urge any matters addressed in the e-mails by filing an appropriate motion with the court in paper form.

Defendant Regional Hyundai, LLC's Motion to Extend All Remaining Scheduling Order Deadlines [Dkt. 26] is **GRANTED** over Plaintiff's objections. An amended scheduling order will be entered.

Defendant's Motion to Compel [Dkt. 24] will remain under advisement pending the entry of appearance of substitute counsel for Plaintiff or Plaintiff's filing of a statement that he will represent himself. The parties shall confer and attempt to resolve any discovery issues. Defendant shall file a supplement to the motion to compel by March 14, 2012, setting forth any remaining discovery issues.

SO ORDERED this 14<sup>th</sup> day of February 2012.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE