

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ZACHARY GIVEN, KRISTOPHER	:	CIVIL ACTION NO. 1:17-CV-1266
LAWSON, VINCENT MCCLEERY,	:	
and SEAN MCMURRAN, individually	:	(Chief Judge Conner)
and on behalf of other persons	:	
similarly situated,	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
LOVE’S TRAVEL STOPS &	:	
COUNTRY STORES, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 13th day of March, 2018, upon consideration of the motion (Doc. 76) for leave to withdraw as counsel for plaintiff Zachary Given (“Given”) filed by plaintiffs’ counsel, wherein counsel contend that there is a “breakdown in the attorney-client relationship,” (*id.* ¶ 5), and explains that Given has been uncommunicative for several months such that counsel are unable to effectively represent him, (*id.* ¶¶ 2-5), and further upon consideration of representations made by plaintiffs’ counsel during a discovery telephone conference on January 26, 2018 regarding same, and the court noting that the Pennsylvania Rules of Professional Conduct permit counsel to withdraw from representation of a client when “the representation . . . has been rendered unreasonably difficult by the client” or when “good cause for withdrawal exists,” PA. RULES OF PROF’L CONDUCT R. 1.16(b)(6), (7), and the court concluding that under the circumstances, withdrawal of counsel is warranted, and the court observing that defendant filed a motion (Doc. 63) for

sanctions against Given pursuant to Federal Rule of Civil Procedure 37 seeking, *inter alia*, a court order dismissing Given as a party to the above-captioned matter in view of his nonresponsiveness, and the court determining that it is appropriate to afford Given a period of time in which to notify the court of his intent to proceed in this suit, it is hereby ORDERED that:

1. The motion (Doc. 76) for leave to withdraw as counsel is GRANTED subject to the following condition. Plaintiffs' counsel shall forthwith cause to be served upon Given a copy of this order and shall thereafter file a certificate of service with the court.
2. Given shall be granted thirty (30) days from the date of service of this order to notify the court of Given's intent to proceed in this matter. Given is admonished that failure to respond in accordance with this order may result in dismissal of his claims.
3. Counsels' withdrawal shall be effective upon the expiration of the thirty-day period set forth in paragraph 2.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania