

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Nola Huffman, Marilyn Bradshaw, Charles	)	Civil Action No. 3:16-cv-03071-JMC
Bradshaw, Uma, LLC, Thakker, LLC, Paul Webb,	)	
Sandra Webb, James Reid, Herbert Stokes, Pizza	)	
Cake, L.L.C., Gloria Wilson, Inez Fowler and	)	
Louis Fowler,	)	
	)	
	)	
Plaintiffs,	)	<b><u>ORDER</u></b>
	)	
v.	)	
	)	
United States of America,	)	
	)	
Defendant.	)	
_____	)	

Plaintiffs above-named collectively filed this action seeking money damages from Defendant United States of America for the destruction caused to their homes by flood water released when the Semmes Lake Dam was breached in October 2015. (ECF No. 1 at 3–9.)

As they litigated this matter, Plaintiffs’ counsel–Joseph Preston Strom, Jr., Mario A. Pacella, John R. Alphin, Jessica Fickling, A. Camden Lewis, and J. Ryan Heiskell–reached the conclusion that they could no longer pursue claims on behalf of any Plaintiffs seeking to continue to litigate this matter. Accordingly, on October 16, 2017, Plaintiffs’ counsel filed a Motion for Withdrawal of Appearance and to Stay Proceedings as to Plaintiffs, Inez Fowler and Louis Fowler (together the “Fowlers”). (ECF No. 35.)

This court’s local rules allow a party to object to the withdrawal of counsel. See Local Civ. Rule 83.I.07 (D.S.C.). As a result, the court entered an Order to Show Cause (ECF No. 38) on October 23, 2017, to create an opportunity for the Fowlers to state any objection to their

attorneys' request to withdraw on the record.<sup>1</sup> On November 6, 2017, the court held a show cause hearing regarding the Motion to Withdraw. Plaintiffs' counsel set forth on the record the manner in which the Fowlers were served with the Order to Show Cause and notice of the show cause hearing. The Fowlers did not appear at the November 6, 2017 hearing to object to counsel's Motion to Withdraw.

Upon consideration of counsel's reasons for withdrawal and the lack of objection from the Fowlers, the court **GRANTS** the Motion to Withdraw of Plaintiffs' counsel. (ECF No. 35.) The court advises the Fowlers that they will have to either substitute counsel or notify the court of their intention to proceed pro se by December 6, 2017. In this regard, the court instructs the Fowlers that any failure to move the case forward after December 6, 2017, could result in the dismissal of the Complaint pursuant to Federal Rule of Civil Procedure 41(b), which provides as follows:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule – except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19 – operates as an adjudication on the merits.

Fed. R. Civ. P. 41(b).

In light of the foregoing, the court **DIRECTS** the Clerk of Court to mail a copy of this Order to the Fowlers.

**IT IS SO ORDERED.**



United States District Judge

November 6, 2017  
Columbia, South Carolina

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<sup>1</sup> Additionally, the court required Plaintiffs' counsel to serve a copy of the Order to Show Cause on the Fowlers, which proof of service was filed on CM/ECF. (See ECF No. 39.)