

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

Sean Branham, Anna Eagan, Sadie Hartman,	)	Civil Action No. 3:16-cv-03072-JMC
Beverly Heisner, Corine Jeffreys, Alexander	)	
McArver, Susan McArver, Belva McCormick,	)	
Joseph Morris, Sinclair Salters, Diana Woodward,	)	
Gerard Fenzel, Kelly Fenzel, Carl Steen, Patrick	)	
Johnson, Jeffrey Lucero, as personal representative	)	
for the estate of Sherry Kjellberg, Lionel Zylicz,	)	
and Shandon Crossing Limited Partnership,	)	
	)	<b><u>ORDER</u></b>
	)	
Plaintiffs,	)	
	)	
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 Plaintiff Carl Steen. (ECF No. 36.)

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 Mr. Steen to state any objection to his

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 Mr. Steen was served with the Order to Show Cause and notice of the show cause hearing. Mr. Steen 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 Mr. Steen, the court **GRANTS** the Motion to Withdraw of Plaintiffs' counsel. (ECF No. 36.) The court advises Mr. Steen that he will have to either substitute counsel or notify the court of his intention to proceed pro se by December 6, 2017. In this regard, the court instructs Mr. Steen 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 Mr. Carl Steen.

**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 Steen, which proof of service was filed on CM/ECF. (See ECF No. 39.)