

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|-------------------------------------|---|-----------------|
| SECURITIES AND EXCHANGE COMMISSION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:11-CV-176 |
| |) | (VARLAN/GUYTON) |
| V. |) | |
| |) | |
| AIC, Inc., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the orders of the District Judge [Doc. 45, 57] referring a Motion to Withdraw as Counsel [Doc. 44] and a Motion for Leave to Appear *Pro Hac Vice*, filed by Attorney Steven Biss, [Doc. 54], to the undersigned for disposition or report and recommendation as may be appropriate.

The parties first appeared before the undersigned to address the Motion to Withdraw as Counsel on July 23, 2012. The Motion to Withdraw requests that Attorney Swartwood be allowed to withdraw as counsel in this case pursuant to Local Rule 83.4. The Plaintiff initially opposed the Motion to Withdraw, because it would leave five corporate-entity defendants unrepresented. Attorney Swartwood stated that substitute counsel was planning to make an appearance on behalf of these defendants soon. Based on this representation, the Court held the Motion to Withdraw in abeyance for approximately one month.

On August 6, 2012, Attorney Steven Biss filed a Motion for Leave to Appear *Pro Hac Vice*. This motion was accompanied by a Certificate of Good Standing from the District Court for the Eastern District of Virginia [Doc. 54-1]. Attorney Biss noted that he had requested, but

not yet received, a certificate of good standing from the State of Virginia. [Doc. 54 at ¶ 4]. On August 11, 2012, Attorney Biss filed a Certificate of Good Standing from the Virginia State Bar [Doc. 56-1], with the Court.

The parties appeared before the Court, via telephone, to address the two pending motions on August 20, 2012. Attorney Michael John Rinaldi was present representing the Plaintiff, and Attorney Garrett Swartwood was present on behalf of the Defendants. The parties' acknowledged that Attorney Biss's Motion for Leave to Appear *Pro Hac Vice* was now complete. Counsel for the Plaintiff stated that the Plaintiff had no objection to the Motion for Leave to Appear *Pro Hac Vice* being granted, and Plaintiff had no objection to Attorney Swartwood withdrawing as counsel upon Attorney Biss's Motion for Leave to Appear *Pro Hac Vice* being granted.

Based on the foregoing, the Court finds that the Motion for Leave to Appear *Pro Hac Vice* [Doc. 54] is well-taken, and it is **GRANTED**. Therefore, the Court finds that the Motion to Withdraw as Attorney [Doc. 44] filed by Attorney Swartwood is also well-taken, and it is **GRANTED**. Accordingly, Attorney Swartwood is **RELIEVED** of his duties as counsel in this case, and Attorney Biss **SHALL SERVE** as counsel for the Defendants going forward.

IT IS SO ORDERED.

ENTER:

/s H. Bruce Guyton
United States Magistrate Judge