

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

KENNETH LEE VARNER, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 3:14-CV-196-PLR-CCS  
 )  
 LOUDON COUNTY, *et al.*, )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral Order [Doc. 84] of the District Judge.

Now before the Court is the Defendants’ Motion to Lift Stay [Doc. 83], filed on February 18, 2016. By way of background, the Defendants filed a Motion to Stay Case [Doc. 80] on February 3, 2016, stating that “Plaintiff’s counsel is unavoidably indisposed at the present time and cannot participate in discovery for at least six months.” The District Judge granted the Defendants’ motion and stayed the case in its entirety. [Doc. 81].

The instant Motion [Doc. 83] filed by the Defendants request that the stay be lifted. The Motion states that Plaintiff’s counsel has been suspended from the practice of law effective February 14, 2016, and continuing for one year thereafter. The Defendants submit that Plaintiff’s counsel will no longer be able to represent the Plaintiff because counsel is disqualified from practicing law for one year. The Defendants mailed a copy of the Motion to the Plaintiff at his last known address.<sup>1</sup>

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<sup>1</sup> The Defendants submitted Exhibit 1 with their Motion [Doc. 83-1], which is a letter from Plaintiff’s former counsel to defense counsel stating that Plaintiff’s last known address is 321 Church Drive, Lenior City, Tennessee 37771.

On February 25, 2016, the Court entered an Order [Doc. 85] directing the parties to appear before it on March 14, 2016, at 1:30 p.m., for a motion hearing and a status conference. The Order directed that the Plaintiff appear at the hearing, and it was mailed to the Plaintiff. Attorney Courtney Houpt was present on behalf of the Defendants. Despite the Court's Order, the Plaintiff did not appear at the hearing.

Because the Plaintiff has not opposed the Defendants' Motion and for good cause shown, the Court **GRANTS** the Motion to Lift Stay [Doc. 83]. See Local Rule 7.2 ("Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought."). Accordingly, the stay in this case is **LIFTED**. The trial is currently scheduled for **September 12, 2016, at 9:00 a.m.**

The Plaintiff is **ADMONISHED** that he is **DEEMED** to be proceeding *pro se*. Until he obtains substitute counsel, it is his obligation to prosecute this case and comply with the deadlines set by the Court. Likewise, if he elects to proceed in this case without an attorney, he is responsible for complying with all deadlines set by the Court and responding to any requests for relief by other parties, see E.D. Tenn. L.R. 7.1. Mr. Varner like any other party, will be expected to comply with the Federal Rules of Civil Procedure, the Local Rules, and the Court's Orders.

The Clerk of Court is **DIRECTED** to enter 321 Church Drive, Lenior City, Tennessee 37771 in the docket as Mr. Varner's mailing address. This is the address that former counsel has provided to the Court and to defense counsel. [Doc. 83-1]. At this juncture, the Church Drive address appears to be the best and only address the Court has for Mr. Varner.

Further, the Clerk of Court is **DIRECTED** to mail a copy, via certified mail with return receipt, of this Order, along with the Scheduling Order [Doc. 75] to Mr. Varner at the above address.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge