

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRILLIANT DPI INC.,

Plaintiff,

v.

Case No. 18-CV-799

KONICA MINOLTA BUSINESS SOLUTIONS, U.S.A., INC., et al.,

Defendants.

ORDER

On March 3, 2022, the court granted the parties' stipulated motion for dismissal and dismissed this action. In doing so the court stated, "Pursuant to the terms of the Settlement Agreement between the parties, CIT Technology Financing Services, Inc. (n/k/a CIT Technology Financing Services, LLC) shall have the right to reopen this action and obtain entry of a stipulated judgment (as defined in paragraphs 2-3 of the Settlement Agreement)." (ECF No. 136.)

On August 23, 2023, CIT Technology Financing Services, LLC filed a motion alleging that Brilliant DPI breached the settlement agreement by failing to make monthly payments. That assertion was not supported by any affidavit or other

evidence. CIT also asks the court to reopen the case and substitute it for its predecessor, CIT Technology Financing Services, Inc.

Attorney George S. Peek concurrently filed a motion to withdraw as counsel for Brilliant DPI. (ECF No. 139.) The court noted that counsel's motion was unnecessary because multiple attorneys have appeared on behalf of Brilliant DPI and at least one of those attorneys—Attorney Andrew R. Rider—would continue to represent the plaintiff. *See* Civ. L.R. 7.1(e)(1). Nonetheless, the court granted the motion.

The court ordered Brilliant DPI to respond to the motion to reopen no later than September 13, 2023.

The court further noted that, before it can substitute CIT Technology Financing Services, LLC for CIT Technology Financing Services, Inc. and reopen the case, the court must confirm that it has jurisdiction. Because the action is before the court on diversity of citizenship, 28 U.S.C. § 1332, the court must confirm that complete diversity exists between the parties. Therefore, the court ordered CIT Technology Financing Services, LLC to file a statement establishing its citizenship no later than September 13, 2023.

On August 24, 2023, Attorney Andrew R. Rider moved to withdraw as counsel for Brilliant DPI. (ECF No. 140.) Attorney Rider failed to comply with Civil Local Rule 7.1(e)(3), and therefore his motion is **denied**.

Attorney Rider also filed a document captioned, "Order Permitting Withdrawal" as a motion. (ECF No. 141.) The document is not a motion, and the Clerk shall terminate it for administrative purposes.

As for CIT's motion to reopen the case, substitute it, and enter judgment (ECF No. 137), CIT has failed to comply with the court's order (ECF No. 142). Consequently, its motion (ECF No. 137) is **denied**.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 26th day of September, 2023.


WILLIAM E. DUFFIN
U.S. Magistrate Judge