

No. 21-1185, 21-1186, 21-1187

IN THE
United States Court of Appeals For the Tenth Circuit

REBECCA SMITH, ET AL.,

Plaintiffs-Appellees,

VS.

THE ALIERA COMPANIES, INC., F/K/A AS ALIERA HEALTHCARE, INC.; TRINITY
HEALTHSHARE, INC.; ONESHARE HEALTH LLC, F/K/A UNITY HEALTHSHARE,
LLC AND AS KINGDOM HEALTHSHARE MINISTRIES, LLC,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
No. 1:20-cv-02130-RBJ

**MOTION TO WITHDRAW AS COUNSEL FOR APPELLANT
THE ALIERA COMPANIES INC.**

E. Travis Ramey
Burr & Forman LLP
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Attorney for Appellant The Alieria Companies Inc.

**MOTION TO WITHDRAW AS COUNSEL FOR APPELLANT THE
ALIERA COMPANIES, INC.**

Counsel for Appellant the Alieria Companies, Inc., E. Travis Ramey and the law firm of Burr & Forman LLP, move this Court to enter an order allowing their withdrawal as counsel of record for Alieria. In further support, Counsel states the following:

1. Professional considerations require that Counsel terminate representation of Alieria.

2. When Alieria retained Counsel to represent it in this appeal and related litigation, Alieria entered into an agreement with Counsel governing the terms of the representation. Alieria has failed to abide by the terms of that agreement and has failed to substantially fulfill its obligations to Counsel.

3. Counsel has notified Alieria of its intent to withdraw and has informed Alieria that it may not proceed *pro se* in the case.

4. If permitted to withdraw, Counsel will take all steps necessary to avoid harming Alieria's interests. Counsel's withdrawal will not result in a material adverse effect on Alieria's interests.

5. Proceedings in this appeal currently are stayed. Nevertheless, if permitted to withdraw, Counsel also requests that Alieria receive thirty (30) days in which to hire new counsel.

6. In accordance with 10th Cir. R. 27.1, Counsel has notified counsel for Plaintiffs-Appellees of Counsel's request to withdraw. Plaintiffs-Appellees do not oppose Counsel and Burr & Forman's withdrawal, but they do oppose any further stay of proceedings to allow Alieria to find new counsel.

7. Counsel is unaware of substitute counsel who may file a notice of appearance on behalf of Alieria, and Counsel has advised Alieria of the risks of not obtaining substitute counsel. Alieria's last known business address and phone number are as follows:

The Alieria Companies Inc.
P.O. Box 28220
Atlanta, GA 30358
Telephone: 404-618-0602

WHEREFORE, Counsel respectfully requests that the Court grant this Motion to Withdraw.

Respectfully submitted,

s/ E. Travis Ramey _____
E. Travis Ramey
*Attorney for Appellant The Alera
Companies Inc.*

OF COUNSEL:
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CERTIFICATE OF COMPLIANCE

This Motion complies with the type-face requirements of Federal Rule of Appellate Procedure 32(c) and the type-style requirements of Federal Rule of Appellate Procedure 32, as mandated by Federal Rule of Appellate Procedure 27(d)(1)(E). The response has been prepared in 14-point Century Schoolbook, which is a proportionally spaced font that includes serifs.

This Motion complies with the type-volume limitations in Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 305 words.

The Motion complies with the electronic filing requirements of Tenth Circuit Rule 25.3.

s/ E. Travis Ramey

OF COUNSEL

CERTIFICATE OF SERVICE

In accordance with Tenth Circuit Rule 25.3, I hereby certify that on October 14, 2021, I electronically filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the Tenth Circuit using the appellate ECF system.

Participants in the case who are registered ECF users will be served by the appellate ECF system.

I have also served Appellant The Alera Companies Inc. at the address below.

The Alera Companies Inc.
P.O. Box 28220
Atlanta, GA 30358

s/ E. Travis Ramey

OF COUNSEL