

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

NOELLE LECANN, KRISTIN  
SELIMO, and TANIA FUNDUK, on  
behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

THE ALIERA COMPANIES, INC.,  
formerly known as ALIERA  
HEALTHCARE, INC.,

Defendants.

CIVIL ACTION FILE

No. 1:20-cv-2429-AT

**RESPONSE TO COURT’S OCTOBER 6, 2021 ORDER**

Defendant The Alieria Companies Inc. (“Alieria”) hereby responds to the Court’s Order dated October 6, 2021, (Doc. 71).

1. On September 24, 2021, the undersigned counsel for Alieria (“Counsel”) sent Alieria a Notice of Withdrawal (“Notice”) concerning this action, which confirmed in writing Counsel’s previously stated intention to withdraw from representation of Alieria in this matter. (*See* Exhibit A, attached hereto.)

2. The Notice includes disclosures required by LR 83.1(E). (*See* Ex. A.) Local Rule 83.1 also requires that attorneys provide the client with 14 days’ notice of the attorneys’ intent to withdraw. This 14-days runs on **Friday, October 8, 2021**.

Accordingly, Counsel may file their Motion to Withdraw on or after October 8, 2021, and Counsel intends to do so.

3. However, as this Court is aware, Plaintiffs filed a Motion for Clerk's Entry of Default on Friday, October 1, 2021, (Doc. 67), and on Monday, October 4, 2021, the Court entered a Show Cause Order as to why default should not be entered by Friday, October 8, 2021, (Doc. 69).

4. Due to the overlapping timeframes for Alieria's response to the Show Cause Order and Counsel's ability to file the intended Motion to Withdraw, it was necessary for Counsel to file Alieria's Response to Plaintiffs' Motion for Clerk's Entry of Default on behalf of Alieria. Until this Court grants Counsel's intended Motion to Withdraw, Counsel must continue to represent Alieria.

5. Counsel intends to move the Court to withdraw from representation of Alieria as soon as they are able to do so pursuant to LR 83.1.

6. Plaintiffs' counsel has indicated that they do not oppose Counsel's withdrawal in this matter.

7. Should the Court have any questions regarding Counsel's intended withdrawal and how it may affect proceedings before the Court, Counsel would

suggest an *in camera* conference or telephonic conference with all counsel in this action.

Respectfully submitted,

/s/ Elizabeth B. Shirley  
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**Counsel for Defendant The Alera  
Companies Inc.**

**CERTIFICATE OF COMPLIANCE**

Counsel certifies that this document has been prepared with Times New Roman 14 type, one of the font and point selections approved by the Court in LR 5.1.

*/s/ Elizabeth B. Shirley*  
Elizabeth B. Shirley

**CERTIFICATE OF SERVICE**

A copy of the foregoing has been served this 7th day of October, 2021 via the Court's CM/ECF system, which will send notification of such filings to all parties of record via electronic mail.

*/s/ Elizabeth B. Shirley*  
OF COUNSEL