

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

MARIA MOELLER and RON
MOELLER,

Plaintiffs,

v.

THE ALIERA COMPANIES, INC.;
TRINITY HEALTHSHARE;
TIMOTHY MOSES, SHELLEY
STEELE, CHASE MOSES, and DOES
1-10,

Defendants.

No. CV 20-22-H-SEH

ORDER

On October 18, 2021, Elizabeth B. Shirley, esq., Stefan T. Wall, esq., and Sarah R. Craig, esq. moved to withdraw as counsel for Defendants, The Alieria Companies, Inc. (“Alieria”), Shelley Steele, and Chase Moses.¹ The motion is grounded in the assertion that the Alieria Companies, Inc. have “assigned legal and equitable title, as well as custody and control, of all of its assets and property to

¹ Doc. 227.

Asset Recovery Associates Alieria, LLC” (“ARAA”) and that ARAA has not retained Shirley, Wall, and Craig to continue as counsel for ARAA.² Alieria provided a written consent to the withdrawals of Shirley, Wall, and Craig.³ According to Shirley, but not Wall or Craig, Plaintiffs Maria and Ron Moeller do not object to the withdrawals.⁴

Local Rule 83.3 requires a “client’s written consent to counsel’s withdrawal, signed by the attorney and the client and acknowledging the client’s obligation to retain new counsel or appear *pro se*[.]”⁵ Katie S. Goodman, purporting to act as manager and authorized agent of Alieria Companies, Inc., filed a written consent to the withdrawals on behalf of ARAA and Alieria. No written consents by either Shelley Steele or Chase Moses were provided as required by L.R. 83.3(b).

Further, L.R. 83.8 states, “Any entity other than an individual, including but not limited to a corporation, an unincorporated association, a partnership, or a union, may appear only by an attorney.”⁶ Shirley, Wall, and Craig may not withdraw as counsel for Steele or Moses absent written consents from both clients.

² Doc. 227 at 2; Doc. 227-1.

³ Doc. 227-2.

⁴ Doc. 227 at 3.

⁵ L.R. 83.3(b)(2)(A).

⁶ L.R. 83.8(b).


Moreover, they may not withdraw as counsel for Alieria, unless and until replacement counsel has appeared on behalf of Alieria.

ORDERED:

Except as outlined by this order the Motion to Withdraw as Counsel⁷ is

DENIED.

DATED this 26th day of October, 2021.



SAM E. HADDON
United States District Judge

⁷ Doc. 227.