

No. 21-35607

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MARIA MOELLER AND RON MOELLER,

Plaintiffs-Appellees,

VS.

THE ALIERA COMPANIES, INC.,

Defendant-Appellant,

AND

TRINITY HEALTHSHARE, INC., *ET AL.*,

Defendants.

On Appeal from the United States District Court
for the District of Montana (Hon. Sam E. Haddon),

No. 6:20-CV-00022-SEH

**MR. WALL'S UNOPPOSED MOTION TO WITHDRAW
AS COUNSEL FOR THE ALIERA COMPANIES, INC.**

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Counsel for Defendant-Appellant, The Alieria Companies, Inc.

Counsel for Appellant the Alieria Companies, Inc. (“Alieria”), Stefan T. Wall and the law firm of Wall, Mclean & Gallagher, PLLC, 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. To that end, if permitted to withdraw, Counsel requests that Alieria be given thirty (30) days in which to hire new counsel and asks that the the Court stay all upcoming deadlines for those thirty days. *See also* 9th Cir. R. 27-11 (noting that motions to withdraw “shall stay the schedule for record preparation and briefing pending the Court’s disposition of the motion” and such

schedule “shall be reset as necessary upon the Court’s disposition of the motion”).

6. Mr. Morrison, counsel for Plaintiffs-Appellees, was contacted and advised he does not oppose the filing of this Motion.

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

Dated this 4th day of October 2021.

WALL, McLEAN & GALLAGHER, PLLC

/s/ Stefan T. Wall

Stefan T. Wall

P.O. Box 1713

Helena, MT 59624

ATTORNEYS FOR THE ALIERA COMPANIES, INC.

CERTIFICATE OF COMPLIANCE WITH RULE 27

This Motion complies with the type-face and type-style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E). The motion has been prepared in 14-point Times New Roman, which is a proportionally spaced font.

This Motion also complies with the type-volume limitations in Federal Rule of Appellate Procedure 27(d)(2) and Ninth Circuit Rule 27- 1 because it contains 265 words.

/s/ Stefan T. Wall

Stefan T. Wall

P.O. Box 1713

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ATTORNEYS FOR THE ALIERA COMPANIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2021, I electronically filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system on the following:

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