

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GERALD JACKSON, ROSLYN JACKSON,  
DEAN MELLOM, JON PERRIN, and JULIE  
PERRIN, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

THE ALIERA COMPANIES, INC., a  
Delaware corporation; ALIERA  
HEALTHCARE, INC., a Delaware  
corporation; TRINITY HEALTHSHARE  
INC., a Delaware corporation,

Defendants.

NO. 2:19-CV-01281-BJR

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

In accordance with LCR 83.2(b) and 7(d)(3), Robert H. Rutherford, Elizabeth B. Shirley,  
and the law firm of Burr & Forman LLP (collectively, "Movants"), hereby respectfully move this  
Honorable Court to enter an Order allowing Movants to withdraw as counsel of record for  
Defendant The Alieria Companies Inc. ("Alieria"), stating as follows:

1. Movants request that the Court grant this Motion to Withdraw due to professional  
considerations. Continued representation of Alieria has and will result in unreasonable financial  
burden on counsel, and Alieria substantially failed to fulfill its obligations to Movants regarding

1 Movants' services. Additionally, representation has been rendered unreasonably difficult by  
2 Alieria.

3 2. Movants request that Alieria be granted at least thirty (30) days in which to hire new  
4 counsel.

5 3. Movants also request that, for all upcoming deadlines in the next thirty (30) days  
6 from the date this Court enters an order ruling on this Motion, the Court allow an extension of at  
7 least sixty (60) days for such upcoming deadlines.

8 4. Movants certify that they have advised Alieria that it is required by law to be  
9 represented by an attorney admitted to practice before this Court and that failure to obtain a  
10 replacement attorney by the date the withdrawal is effective may result in the dismissal of Alieria's  
11 claims for failure to prosecute and/or entry of default against Alieria as to any claims of other  
12 parties. Movants further certify that this Motion is being served contemporaneously on Alieria at  
13 its last known business address and on opposing counsel. Additionally, Movants certify that they  
14 served the attached Notice of Withdrawal on Alieria, which advises Alieria of Movants' intention  
15 to withdraw. (*See Exhibit A attached hereto.*)

16 5. It is unknown whether, upon granting this Motion, Alieria will be unrepresented.  
17 Alieria's last known business address and phone number are as follows:

18 The Alieria Companies Inc.  
19 990 Hammond Dr. NE, Suite 700  
20 Atlanta, GA 30328  
21 Telephone: 404-618-0602

22 6. Movants suggest a telephone conference with the Court and counsel of record to  
23 discuss any issues that may be raised with regard to this Motion.  
24

25 WHEREFORE, Movants respectfully request that this Motion to Withdraw be granted.  
26

1 Dated: September 29, 2021.  
2  
3

4 s/ Elizabeth B. Shirley  
5 Robert H. Rutherford (*pro hac vice*)  
6 Elizabeth B. Shirley (*pro hac vice*)  
7 BURR & FORMAN LLP  
8 420 20th St. N., Suite 3400  
9 Birmingham, AL 35203  
10 Phone: (205) 251-3000  
11 Email: [rrutherford@burr.com](mailto:rrutherford@burr.com)  
12 Email: [bshirley@burr.com](mailto:bshirley@burr.com)

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on September 29, 2021, I electronically filed the foregoing with the  
15 Clerk of the Court using the CM/ECF system, which will send notification of such filing to all  
16 counsel of record. I certify that notice is being sent via U.S. First Class Mail to Alera its last  
17 known business address:

18 The Alera Companies Inc.  
19 990 Hammond Dr. NE, Suite 700  
20 Atlanta, GA 30328

21 s/ Elizabeth B. Shirley  
22 Elizabeth B. Shirley  
23  
24  
25  
26  
27

**EXHIBIT A**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GERALD JACKSON, ROSLYN  
JACKSON and DEAN MELLOM,  
individually and on behalf of all others  
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**NOTICE OF WITHDRAWAL**

**TO:** THE ALIERA COMPANIES INC.

**DATED:** September 24, 2021 (sent via U.S. Mail to last known business address, registered agent for service of process in Georgia, and email of CEO, Shelley Steele)

**PLEASE TAKE NOTICE:**

- (A) As previously discussed, Burr & Forman LLP is requesting permission of the Court to withdraw from representing The Alieria Companies Inc. (“Alieria”) and all related subsidiaries, officers, and directors in the above-styled action, as well as any arbitration or other proceeding in conjunction with this action;
- (B) The Court retains jurisdiction over the action;
- (C) Alieria has an obligation to keep the Court informed of a location where notices, pleadings, or other papers may be served;

- (D) To the extent a trial date may be set, Alieria has an obligation to prepare for trial or hire other counsel to prepare for trial;
- (E) Failure or refusal to satisfy court-related obligations could result in adverse consequences including, in criminal cases, bond forfeiture and arrest;
- (F) There is an upcoming deadline for Alieria to file its Response to Plaintiffs' Motion for Partial Relief from Stay, which is due October 6, 2021;
- (G) Notices may be served on Alieria at Alieria's last known address, 980 Hammond Dr., Suite 700, Atlanta GA 30328;
- (H) Since Alieria is a corporation or organization, it may only be represented by an attorney, who must sign all pleadings and papers submitted to the Court; a corporate officer may not represent the client unless that officer is admitted to the bar of this Court as a regular member or has been admitted *pro hac vice* in the case; and failure to comply with this rule could result in a default judgment against the client; and
- (I) Names, addresses and phone numbers of Clerk of Court and opposing counsel:

Clerk of Court:

U.S. District Court  
Clerk's Office  
700 Stewart Street, Suite 2310  
Seattle, WA 98101  
(206) 370-8400

Opposing counsel:

Jay Angoff  
Cyrus Mehri  
Mehri & Skalet, PLLC  
1250 Connecticut Avenue NW  
Ste. 300  
Washington, DC 20036  
Telephone: 202-822-5100

Eleanor Hamburger  
Richard E. Spoonemore  
Sirianni Youtz Spoonemore Hamburger PLLC  
3101 Western Avenue  
Suite 350  
Seattle, WA 98121  
Telephone: 206-223-0303

Samantha Lin  
Michael David Myers  
Myers & Company PLLC  
1530 Eastlake Ave. E.  
Seattle, WA 98102  
Telephone: 206-398-1188

(J) Burr & Forman's withdrawal is supported by good cause because, among other reasons, continued representation has and will result in unreasonable financial burden on counsel; Alera substantially failed to fulfill its obligations to counsel regarding counsel's services; and representation has been rendered unreasonably difficult by the client.

Submitted on September 24, 2021 by:

BURR & FORMAN, LLP  
171 17th St. NW, Suite 1100  
Atlanta, GA 30363  
Telephone: 404-815-3000

420 20th St. N., Suite 3400  
Birmingham AL 35203  
Telephone: 205-251-3000

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AT SEATTLE

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**ORDER**

THE COURT, having considered counsel for The Alieria Companies Inc.'s ("Alieria") Motion to Withdraw and the facts and arguments contained therein, finds that the Motion is well-taken and should be granted.

ACCORDINGLY, the Court hereby GRANTS Burr & Forman LLP's Motion to Withdraw and FINDS AND ORDERS that Robert H. Rutherford, Elizabeth B. Shirley, and the law firm of Bur & Forman are discharged and terminated as counsel of record for Alieria in this matter.



THE COURT further finds that Alera shall have thirty (30) days from the date of this Order in which to hire new counsel, and that all upcoming deadlines in the next thirty (30) days from the date of this Order are extended for sixty (60) days from the date(s) of such deadlines.

Dated: \_\_\_\_\_, 2021.

/s/  
UNITED STATES DISTRICT COURT JUDGE  
BARBARA J. ROTHSTEIN