

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION**

HANNA ALBINA and AUSTIN WILLARD,)	
individually and on behalf of others similarly)	
situated,)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION NO.
)	5:20-cv-00496-JMH
)	
THE ALIERA COMPANIES, INC., <i>ET AL.</i> ,)	
Defendants.)	
)	

MOTION TO WITHDRAW AS COUNSEL

Pursuant to LR 83.6, Benjamin B. Coulter and the law firm of Burr & Forman LLP (collectively, "Movants"), hereby respectfully move this Honorable Court to enter an order allowing Movants' withdrawal 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 Movants' services. Additionally, representation has been rendered unreasonably difficult by Alieria.
- 2. Movants request that Alieria be granted at least thirty (30) days in which to hire new counsel.
- 3. Movants also request that, for all upcoming deadlines in the next thirty (30) days from the date this Court enters an order ruling on this Motion, the Court allow an extension of at least sixty (60) days for such upcoming deadlines.

4. Movants certify that they have advised Alieria that it is required by law to be represented by an attorney admitted to practice before this Court and that failure to obtain a replacement attorney by the date the withdrawal is effective may result in the dismissal of Alieria's claims for failure to prosecute and/or entry of default against Alieria as to any claims of other parties. Movants further certify that this Motion is being served contemporaneously on Alieria at its last known business address and on opposing counsel. Further, Movants certify that the attached disclosure was served on Alieria regarding Movants' intent to withdraw from this matter and cease representing Alieria. (*See Exhibit A attached hereto.*)

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

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

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

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

Respectfully submitted on September 29, 2021.

/s/ Benjamin B. Coulter
Benjamin B. Coulter
Kentucky Bar No. 98237
BURR & FORMAN, LLP
420 North 20th Street, Suite 3400
Birmingham, Alabama 35203
Telephone: (205) 251-3000
Facsimile: (205) 458-5100
Email: bcoulter@burr.com

*Counsel for Defendant, The
Alera Companies Inc.*

CERTIFICATE OF SERVICE

A copy of the foregoing has been filed this 29th day of September, 2021 via the Court's CM/ECF system, which will send notification of such filing to all parties of record. I certify that notice is being sent via U.S. First Class Mail to Alera its last known business address:

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

/s/ Benjamin. B. Coulter _____

OF COUNSEL

Exhibit A

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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;
- (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 are no upcoming scheduled proceedings or trial that would be affected by withdrawal of counsel;

(G) Notices may be served on Alieria at Alieria's last known address, 990 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 and opposing counsel:

Clerk of Court:

US District Court
Eastern District of Kentucky
101 Barr Street
Lexington, KY 40507
Telephone: 859-233-2503

Opposing counsel:

William A. Anderson
Handley Farah & Anderson, PLLC
4730 Table Mesa Drive
Suite G-200
Boulder, CO 80305
Telephone: 303-800-9109

Rebecca P. Chang
Handley Farah & Anderson, PLLC
33 Irving Place
New York, NY 10003
Telephone: 347-480-1030

George F. Farah
Handley Farah & Anderson, PLLC
81 Prospect Street
Brooklyn, NY 11201
Telephone: 212-477-8090

William R. Garmer
Jerome Park Prather
Garmer & Prather, PLLC
141 N. Broadway
Lexington, KY 40507

Telephone: 859-254-9351

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

Stephen Pearson
Handley Farah & Anderson, PLLC
200 Massachusetts Avenue, NW
7th Floor
Washington, DC 20001
Telephone: 202-921-4567

David Todd Varellas
James John Varellas, III
Varellas & Varellas
249 W. Short Street
Suite 201
Lexington, KY 40507
Telephone: 859-252-4473

(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

BURR ••• FORMAN LLP

results matter

171 Seventeenth Street, N.W., Suite 1100
Atlanta, Georgia 30363

FIRST CLASS

The Alera Companies Inc.
c/o CT Corporation System
289 S Culver Street
Lawrenceville, Georgia 30046

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THE COURT, having considered counsel for The Alera Companies Inc.’s (“Alera”) 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 Benjamin B. Coulter and the law firm of Burr & Forman LLP are discharged and terminated as counsel of record for Alera in this matter.

THE COURT further finds that Alera shall have thirty (30) days from the date of this Order in which to hire replacement 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