

Eastern District of Kentucky

**FILED**

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

NOV 08 2021

AT LEXINGTON  
ROBERT R. CARR  
CLERK U.S. DISTRICT COURT

HANNA ALBINA and AUSTIN WILLARD,  
individually and on behalf of others similarly  
situated,

Plaintiffs,

vs.

THE ALIERA COMPANIES, INC.,  
TRINITY HEALTHSHARE, INC., and  
ONESHARE HEALTH, LLC d/b/a UNITY  
HEALTHSHARE, LLC,

Defendants.

Case No.: 5:20-CV-00496-JMH

**ELECTRONICALLY FILED**

**ORDER LIFTING STAY AS TO ALIERA AND  
DENYING MOTION TO DISMISS OR COMPEL ARBITRATION**

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The Plaintiffs has filed a Motion to lift stay, deny all pending motions, and enter default judgment, as to The Alieria Companies, Inc. The Plaintiffs have submitted a memorandum in support of their motion, the Defendant The Alieria Companies, Inc., is not represented by counsel, and the Court has considered the matter herein and is otherwise sufficiently advised.

The Court finds that on October 4, 2021, this Court allowed counsel for The Alieria Companies, Inc., to withdraw from this matter, discharging counsel from further duties. The Court further ordered that replacement counsel appear within 30 days. [D.E. 63.] The Court finds that more than 30 days has elapsed and no replacement counsel has appeared on behalf of the Alieria Companies, Inc. Plaintiffs served Alieria with appropriate notice of this motion.


IT IS NOW THEREFORE ORDERED AND ADJUDGED AS FOLLOWS:

1. Plaintiffs' motion to lift the stay as to The Alieria Companies, Inc., is hereby GRANTED and this action may proceed immediately against The Alieria Companies, Inc. The automatic stay in bankruptcy pursuant to 11 U.S.C. § 362 remains in place as to Trinity Healthshare, Inc. This order has no effect on the current stay of litigation against OneShare Health, LLC.

2. The Alieria Companies, Inc., being unrepresented by counsel, has waived all arguments on its pending motion to dismiss, or alternatively, to compel arbitration. [DE 33.] That motion is therefore DENIED AS MOOT.

3. The Court finds that The Alieria Companies, Inc., is in default because it is not represented by counsel after having been given sufficient opportunity to obtain counsel. The clerk is directed to ENTER A DEFAULT forthwith as to The Alieria Companies, Inc.

4. Following entry of default and consideration of Plaintiffs' Motion for Class Certification, the Court will enter a separate default judgment against The Alieria Companies, Inc.

This on 8<sup>th</sup> day of November, 2021.  
  
**Joseph M. Hood**  
**United States District Judge**