

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THOMAS S. RICHEY, as Receiver for
WESTON RUTLEDGE FINANCIAL
SERVICES, INC., ZAMINDARI CAPITAL,
LLC, LEXINGTON INTERNATIONAL
FUND, LLC, a/k/a LEXINGTON
INTERNATIONAL FUND, INC., and
OXFORD ADAMS CAPITAL, LLC,

Plaintiff,

vs.

BARRY BEERS, RHONDA BEERS, MALA
KUMAR, KUMAR RAMALINGAM,
ZIAD MINKARA, ANTHONY
MITCHELL, ARTHUR RICE, HARRY
"HAP" SCHULTZ, and RIVERFRONT
PROPERTIES, INC.,

Defendants.

CIVIL ACTION NO.

1:07-CV-2736-CC

ORDER

This matter is presently before the Court on Morgan Ingram Johnson & Steele, LLP's and G. Phillip Beggs' Motion to Withdraw of Defendants Harry "Hap" Schultz and Riverfront Properties, Inc. [Doc. No. 53], Plaintiff's Motion for Extension of Time to File Motion for Summary Judgment as to Defendants Harry "Hap" Schultz and Riverfront Properties, Inc. [Doc. No. 54], and Plaintiff's Motion to Compel Responses to Written Discovery Requests to Defendants Harry "Hap" Schultz and Riverfront Properties, Inc. [Doc. No. 59]. The Court considers each motion below.

I. MOTION TO WITHDRAW

The Court has reviewed the motion to withdraw filed by Morgan Ingram Johnson & Steele, LLP and G. Phillip Beggs and the Notice of Intent to Withdraw from Representation that was provided to Defendants Schultz and Riverfront

Properties, Inc ("Riverfront). The notice of intent to withdraw does not comply with Local Rule 83.1E. Because Defendant Riverfront is a corporation, Morgan Ingram Johnson & Steele, LLP and G. Phillip Beggs were required to notify Riverfront that a corporation may only be represented in this Court by an attorney, that an attorney must sign all pleadings submitted to this Court, that a corporate officer may not represent Riverfront in this Court unless that officer is also an attorney, and that failure to comply with this rule could result in default being entered against the corporation. See LR 83.1E(2)(b)(I), NDGa. Because Morgan Ingram Johnson & Steele, LLP and G. Phillip Beggs did not notify Riverfront of this rule, the Court **DENIES** the motion to withdraw.

II. MOTION FOR EXTENSION

On September 23, 2008, Plaintiff filed a motion to extend the time for filing a motion for summary judgment against Defendants Schultz and Riverfront on the grounds that Defendants Schultz and Riverfront failed to respond to discovery requests propounded by Plaintiff and that Plaintiff needed to obtain responses to the discovery requests before he could support and file a motion for summary judgment. The docket reflects that no response to the motion for extension was filed, indicating that it is unopposed. See LR 7.1B, NDGa. On this basis, and for good cause shown, the Court **GRANTS** the motion for extension and hereby extends the deadline within which Plaintiff may file a motion for summary judgment against Defendants Schultz and Riverfront through and including **November 30, 2009**.

III. MOTION TO COMPEL

In this motion, Plaintiff states that, on July 31, 2008, he served written discovery requests on Defendants Schultz and Riverfront but that Defendants Schultz and Riverfront entirely failed to respond to Plaintiff's requests. The docket

reflects that no response to the motion to compel has been filed, indicating that it is unopposed. See LR 7.1B, NDGa. On this basis, and pursuant to Federal Rule of Civil Procedure 37, the Court **GRANTS** the motion to compel and **INSTRUCTS** Defendants Schultz and Riverfront to serve responses to all discovery requests served by Plaintiff **within twenty (20) days of the date of this Order**. The Court hereby **NOTIFIES** Defendants Schultz and Riverfront that failure to comply with this Order may subject them to sanctions from this Court.

IV. CONCLUSION

For the reasons stated above, the Court **DENIES** Morgan Ingram Johnson & Steele, LLP's and G. Phillip Beggs' Motion to Withdraw of Defendants Harry "Hap" Schultz and Riverfront Properties, Inc. [Doc. No. 53] and **GRANTS** Plaintiff's Motion for Extension of Time to File Motion for Summary Judgment as to Defendants Harry "Hap" Schultz and Riverfront Properties, Inc. [Doc. No. 54] and Plaintiff's Motion to Compel Responses to Written Discovery Requests to Defendants Harry "Hap" Schultz and Riverfront Properties, Inc. [Doc. No. 59].

SO ORDERED this 15th day of September, 2009.

s/ CLARENCE COOPER

CLARENCE COOPER
UNITED STATES DISTRICT JUDGE