

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

KEITH MOTOLA, :  
 :  
 Plaintiff, :  
 :  
 v. : CASE NO. 3:10cv1738 (RNC)  
 :  
 CAVALRY PORTFOLIO SERVICES, :  
 LLC and DOES 1- 10, INCLUSIVE, :  
 :  
 Defendants. :

NOTICE AND ORDER

Pending before the court is the second motion of Attorney Sergei Lemberg for leave to withdraw his appearance as counsel for the plaintiff, Keith Motola. (Doc. #25.)

Attorney Lemberg filed his previous motion to withdraw as counsel on July 29, 2011. (Doc. #22.) The plaintiff was personally served with a copy of the motion. (Lemberg Decl. ¶11.) The court denied Attorney Lemberg's motion without prejudice to renewal after November 10, 2011. The court's order stated in pertinent part:

Mr. Motola is hereby notified that if he fails to file a pro se appearance or appear through new counsel on or before November 10, 2011, as required by this order, a renewed motion for leave to withdraw the appearance of Attorney Lemberg will be granted and the action will be dismissed. See D. Conn. L. Civ. R. 7(e).

Attorney Lemberg is hereby ordered to serve Mr. Motola with a copy of this order by personal service or certified mail on or before October 10, 2011. Any renewal of this motion must be supported by a certificate showing that Mr. Motola was personally served with a copy of this order in a timely manner.

The plaintiff did not file a pro se appearance. Other counsel did not appear on his behalf. On November 10, 2011, Attorney

Lemberg filed this motion seeking to withdraw. Attorney Lemberg submitted proof that a marshal tried to serve the plaintiff with the motion and the court's order but that the marshal was not able to personally serve the plaintiff with the papers. (Pl's Ex. C.) Attorney Lemberg also attempted to send the motion and order to the plaintiff by certified mail but the plaintiff did not claim the package. (Pl's Ex. B.)

The Clerk of the Court shall cause a copy of this order and Attorney Lemberg's pending motion (doc. #25) to be mailed to the plaintiff at 161 E Main St, #20 Vernon, CT 06066. The plaintiff is notified that if he fails to file a pro se appearance or appear through new counsel on or before January 16, 2012, the court will grant Attorney Lemberg's renewed motion for leave to withdraw and dismiss the plaintiff's action.

SO ORDERED at Hartford, Connecticut this 30th day of December, 2011.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge