

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DEVIN SHIMKO,

Plaintiff,

v.

ORDER

11-cv-831-wmc

JEFF WAGNER TRUCKING, LLC,  
JEFFREY M. WAGNER and HENRY  
A. WAGNER,

Defendants.

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In this civil action, plaintiff Devin Shimko alleges that defendants violated the Truth-in-Leasing regulations of 49 C.F.R. § 376. Defendants, through their attorney Daniel P. McAlvanah of Littler Mendelson, P.C., have moved for McAlvanah to withdraw as counsel, so that they may proceed *pro se*. The individual defendants, Jeffrey M. Wagner and Henry A. Wagner, have submitted declarations in support of the motion, in which they indicate they have discharged McAlvanah and wish to proceed on a *pro se* basis going forward. (*See* Henry Wagner Decl. (dkt. #35) ¶¶ 3-4; Jeffrey Wagner Decl. (dkt. #36) ¶ 3.) Their motion is, therefore, granted, and McAlvanah may withdraw as counsel. He is directed to provide defendants with a copy of this order.

Of course, defendant Jeff Wagner Trucking, LLC, as a limited liability corporation, cannot represent itself. *See United States v. Hagerman*, 545 F.3d 579, 581-82 (7th Cir. 2008). While Jeffrey Wagner represents that Jeff Wagner Trucking, LLC, discontinued its operations on August 27, 2011, before this lawsuit was ever filed, and was dissolved, the court reminds defendants that if Jeff Wagner Trucking, LLC, needs to defend itself in this suit for any reason, it may only do so through legal counsel.

Finally, although defendants represent that they wish to proceed *pro se*, they appear to be represented by another attorney, Timothy D. Edwards, who also filed a notice of appearance on their behalf as of January 10, 2012 (*see* dkt. #8), and does not appear to have withdrawn from that representation. Nor does defendants' current motion address Edwards' role as counsel. As a result, defendants are not technically acting *pro se* in this matter at the present time. In the likely event that defendants also ended Edwards' representation some time ago, they should so advise the court and his name will be removed as counsel for defendants as well.

ORDER

IT IS ORDERED that defendants' motion for withdrawal of Daniel P. McAlvanah as counsel (dkt. #34) is GRANTED.

Entered this 21st day of August, 2014.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge