

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

PAUL BLOYER,

Plaintiff,

ORDER

v.

13-cv-828-wmc

KTM NORTH AMERICA, KTM
SPORTMOTORCYCLE AG, and BREMBO
S.P.A.,

Defendants,

BREMBO S.P.A.,

Cross-Claimant,

v.

KTM NORTH AMERICA, and KTM
SPORTMOTORCYCLE,

Cross-Defendants,

BREMBO S.P.A.,

Third Party Plaintiff,

v.

COUNTY CYCLE PITSTOP, L.L.C., JOHNEY
ROYER, and RPA OFFROAD L.L.P.,

Third Party Defendants,

RPA OFFROAD L.L.P.,

Cross-Claimant,

v.

COUNTY CYCLE PITSTOP, L.L.C. and
JOHNEY ROYER,

Defendants.

The court is in receipt of plaintiff Paul Boyer's response to his counsel's motion to withdraw, in which he states that he no longer objects to the withdrawal. (Dkt. #67.) Accordingly, the court will grant attorneys Nathan H. Bjerke, Isaac I. Tyroler and their law firm TSR Injury Law's motion for leave to withdraw as counsel. (Dkt. #59.) Attorneys Bjerke, Tyroler and their law firm are ordered to: (1) provide immediate notice of this order to Mr. Boyer; (2) remind him of all impending deadlines in this case, including in particular those for dispositive motions, witness and exhibit disclosures, final pre-trial conference and trial; and (3) encourage his prompt retention of new counsel in light of those deadlines. Plaintiff's counsel is further directed to take all reasonable steps to arrange the orderly transfer of this representation in order to minimize any prejudice to Mr. Boyer consistent with all applicable ethical rules, including the orderly transfer of all appropriate files to Mr. Boyer or his designated attorney.

In his response to his counsel's motion to withdraw, plaintiff raises other concerns about his counsel's fees and actions of other attorneys in this case. In light of Boyer's statement that he intends to retain new counsel, the court advises Boyer to consult with his new attorney about these concerns. In any event, the court will not take up those concerns here because they fall outside of the limited issue raised in plaintiff's counsel's motion to withdraw *and* are outside the scope of this litigation.

Finally, the court is in receipt of Brembo S.P.A.'s counsel's response to this court's January 23, 2015, text order. (Dkt. #66.) This document basically repeats two original justifications for filing its ill-considered "response" to plaintiff counsel's motion to withdraw. While the court finds both justifications transparent, it will on this *one*

occasion take counsel's representations of good faith at face value. Counsel does not merit a second such occasion. Accordingly, Brembo S.P.A.'s brief in response to the motion to withdraw and all supporting materials attached to the brief (dkt. #62) will be stricken from the record, although no sanctions will be imposed on counsel for Brembo S.P.A. for the filing of the response. To the extent Brembo seeks to challenge the underlying merits of plaintiff's claims or his credibility, the proper avenue is in a motion for summary judgment or at trial.

In light of this order, the hearing scheduled for 1:30 p.m. today is cancelled.

ORDER

IT IS ORDERED that:

- 1) Attorneys Nathan H. Bjerke, Isaac I. Tyroler and their law firm TSR Injury Law's motion for leave to withdraw as counsel (dkt. #59) is GRANTED; and
- 2) Defendant, cross-claimant and third-party plaintiff Brembo, S.P.A.'s brief in opposition to the motion to withdraw and all attachments (dkt. #62) is STRICKEN and the clerk's office is instructed to remove it from the record.

Entered this 27th day of January, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge