

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KATHRYN T. CRAIG and KOR
ISLAND PROVISIONS, LLC,

Plaintiffs,

v.

Case No: 2:17-cv-180-FtM-99CM

ROMAN KROPP, SHERRI KROPP
and DYLAN KROPP,

Defendants.

ORDER

This matter comes before the Court upon review of Defendants' Motions to Reschedule Deposition and Proceed *Pro Se* (Docs. 45, 46) filed on April 5, 2018. Defendants Roman Kropp, Sherri Kropp and Dylan Kropp have been represented by counsel Michael S. Hoffman. Doc. 29. Defendants filed two identical motions, stating they are financially unable to afford the services of their counsel and thus seeking to proceed *pro se*. Docs. 45 at 2, 46 at 2. Defendants also seek to reschedule the depositions scheduled for April 26, 2018 to take place in Fort Myers, Florida because they live in Colorado and are financially unable to travel to Florida. Docs. 45 at 2-3, 46 at 2-3. Defendants ask the Court to move the place of the depositions to Colorado. Docs. 45 at 3, 46 at 3.

The Court will deny without prejudice Defendants' request to proceed *pro se* because their counsel has not yet obtained the Court's permission to withdraw as counsel of record. A motion to permissively withdraw is a matter within the

discretion of the court. *Obermaier v. Driscoll*, No. 2:00-CV-214-FtM-29D, 2000 WL 33175446, at *1 (M.D. Fla. Dec. 13, 2000). Pursuant to the Local Rules, “no attorney, having made a general appearance under subsection (a) of [Local Rule 2.03] shall thereafter abandon the case or proceeding in which the appearance was made, or withdraw as counsel for any party therein, except by written leave of Court obtained after giving ten (10) days’ notice to the party or client affected thereby, and to opposing counsel.” M.D. Fla. Rule 2.03(b). Here, counsel Hoffman has not shown he complied with Local Rule 2.03 or sought the Court’s permission to withdraw as counsel of record. *See generally* the docket. Thus, he still is Defendants’ counsel of record.

Because Defendants’ status of counsel representation is not clear, and Defendants state they are financially unable to travel to Florida for the scheduled depositions, the Court will cancel the scheduled depositions without prejudice. The Court advises Plaintiffs to conduct further discovery after the Court resolves Defendants’ status of attorney representation.

ACCORDINGLY, it is hereby

ORDERED:

1. Defendants’ Motions to Reschedule Deposition and Proceed *Pro Se* (Docs. 45, 46) are **GRANTED in part and DENIED in part**.
2. The depositions scheduled for April 26, 2018 are **CANCELLED without prejudice**.

3. Defendants' counsel Michael S. Hoffman shall have up to and including **April 16, 2018** to advise the Court whether he continues to represent Defendants, and if he does not, to seek appropriate relief.

DONE and **ORDERED** in Fort Myers, Florida on this 6th day of April, 2018.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record