

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ROBERT MICHEL,

Plaintiff,

v.

MCMaster TRUCKING LLC, an
Idaho limited liability company; and
JUSTIN McMASTER,

Defendants.

Case No. 1:17-cv-00349-BLW

ORDER

BACKGROUND

In August 2017, Plaintiff Robert Michel sued McMaster Trucking LLC and Justin McMaster. He asserted various claims related to what he described as a “lease-to-own” arrangement involving a semi-truck and flatbed trailer. Among other claims, Michel alleged that defendants violated the federal Truth-in-Leasing regulations. After defendants answered the complaint, defendants declared bankruptcy and the Court stayed the action.

In January 2023, the Court directed the parties to file a written status report. Defendants did not respond to this request. Plaintiff, however, filed a report indicating that individual defendant Justin McMaster waived a discharge in his

personal bankruptcy and that the bankruptcy court closed the “Business Bankruptcy” without discharging Defendant McMaster Trucking, LLC. *See* Dkt. 27-2, at 2. Plaintiff asked the Court to enter a default against defendants “on the basis that . . . there has been a failure to plead or otherwise defend as provided by Rule 55(a) of the Federal Rules of Civil Procedure.” Dkt. 27-1, at 1-2. The Court directed the Clerk to refrain from entering such a default, however, given that defendants have answered the complaint.

Plaintiff’s counsel further indicated that the two attorneys representing the defendants—Linda Wells and Howard Foley—are no longer with the Foley Freeman law firm. Regardless, these attorneys remain as counsel of record in this case. They have not updated their addresses with the Court and they have not moved to withdraw. Under these circumstances, and in an effort to move this case forward, the Court will order the following:

ORDER

IT IS ORDERED that:

1. Attorneys Linda Wells and Howard Foley are directed to file a status report with the Court, on defendants’ behalf, within 30 days of this Order. Alternatively, if defense counsel wish to file a formal motion to withdraw as counsel, they shall do so within 30 days of this Order. Any

such motion shall comply with Local Rule 83.6

2. The Clerk shall serve a copy of this order (by regular U.S. mail and by email) on Ms. Wells and Mr. Foley at the address on file with this Court *and* at the following addresses, which are the addresses on file with the Idaho State Bar:

Linda Elizabeth Wells
Twin Falls City Attorneys' Office
PO Box 1907
Twin Falls, ID 83303-1907
lwells@tfid.org

Howard Ray Foley
Foley Freeman, PLLC
3995 E. Vantage Pointe Lane
Meridian, ID 83642
howardrfoley@gmail.com

IT IS SO ORDERED.



DATED: April 4, 2024

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge