

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FLUENT HOME LTD, a Canadian corporation, and FLUENT HOME, LLC, a Delaware limited liability company, Plaintiffs, vs. JACK ELBAUM, an individual, and CHAD BINGHAM, an individual, Defendants.	ORDER GRANTING MOTION TO DISMISS Case No. 2:18-cv-570-TC
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On July 17, 2018, Plaintiffs Fluent Home Ltd. and Fluent Home, LLC (“Fluent Home”) sued Defendants Jack Elbaum and Chad Bingham for theft of trade secrets.

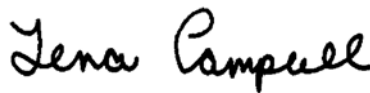
On December 20, 2019, Magistrate Judge Cecilia Romero granted the motion of Brian Lahti, Jason McNeill, and Christopher Von Maack, the attorneys for Fluent Home, to withdraw from the case. Judge Romero stayed the action for twenty-one days to allow Fluent Home to obtain new counsel. And because corporate entities cannot appear in court without an attorney, Judge Romero also warned Fluent Home that if they did not obtain new counsel, “they may be subject to sanction pursuant to Federal Rules of Civil Procedure 16(f)(1), including but not limited to dismissal or default judgment.” (ECF No. 69.)

This twenty-one-day period expired on January 10, 2020. On January 21, 2020, in light of Fluent Home’s failure to find a new attorney, Defendants filed a motion to dismiss the complaint with prejudice. (ECF No. 70.)

As of February 11, 2020, no attorney has filed a notice of appearance on behalf of Fluent Home and Fluent Home has not otherwise responded to the motion to dismiss. The court accordingly concludes, consistent with Rules 16(f) and 37(b)(2)(A) of the Federal Rules of Civil Procedure, that dismissal is proper. Defendants' motion to dismiss the complaint with prejudice is GRANTED.

SO ORDERED this 11th day of February, 2020.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
U.S. District Court Judge