

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PRIME ALLIANCE BANK, INC.,
SERTANT CAPITAL, LLC,

Plaintiffs,

v.

THE GREAT LAKES TISSUE
COMPANY, TISSUE DEPOT, INC.,
and CHEBOYGAN ENERGIES &
BIOFUELS CORP.,

Defendants.

Case No. 23-10564
Honorable Laurie J. Michelson

**ORDER DIRECTING CLERK'S OFFICE TO ENTER DEFAULT
AGAINST THE GREAT LAKES TISSUE COMPANY**

This is, in part, a breach of contract action involving the Great Lakes Tissue Company's failure to make monthly payments for equipment it leases from Plaintiffs. On October 11, 2023, Counsel for GLT filed motions to withdraw. (ECF Nos. 46, 47.) The motions advised that GLT had failed to pay legal bills for several months and had ceased all communication with counsel. (See ECF No. 46, PageID.721.) The Court held a hearing on the motions on October 24, 2023, and ordered a representative of GLT to appear at the hearing in person. (ECF No. 48.) Three employees of Tissue Depot appeared, and the Court heard from the general manager of the mill for Tissue Depot.

Having heard from the parties, the Court found that withdrawal was warranted and granted GLT's counsel's motions. (ECF No. 53.) The Court gave GLT until October 31, 2023, to secure new counsel. (*Id.* at PageID.2809.) The Court's order further advised that if, by that time, no new counsel had appeared, "the Court [would] issue an order for GLT to show-cause why a default judgment should not be entered against it for the corporations' failure to be represented by counsel." (*Id.* (citing 28 U.S.C. § 1654; *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 202 (1993)).)

No new counsel appeared on behalf of GLT, and the Court issued the order directing GLT to show cause why the Court should not enter a default against GLT for its failure to be represented by counsel. (*See* ECF No. 64.) The Court directed GLT to respond by November 8, 2023, and warned that "failure to provide a timely or adequate response will result in the entry of the default judgment." (*Id.* at PageID.2842.) To date, no new counsel has appeared on behalf of GLT nor has GLT responded to the Court's show cause order.

Accordingly, the Court directs the Clerk's Office to enter a default (though not yet a default judgment) against GLT pursuant to Federal Rule of Civil Procedure 55(a). *See Toft v. Alexander & Assocs., LLC*, No. 07-850, 2008 WL 6716271, at *1 (W.D. Mich. Dec. 4, 2008) ("No counsel has entered an appearance on behalf of the defendant Accordingly, in accordance with the rules of this court, default is hereby entered against the

defendant . . . according to Rule 55(a).” (citation omitted)). Upon entry of the default, Plaintiffs’ counsel shall serve a copy on the Defendants and docket proof of same.

SO ORDERED.

Dated: November 17, 2023

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE