

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Nursa, Inc. v. Optima Care Jersey City LLC dba Optima Care Harborview; and Does I–X

No. 2:24-cv-00843-RJS-JCB (D. Utah May 13, 2026) · No. 2:24-cv-00843-RJS-JCB · Decided May 13, 2026

SUMMARY

The United States District Court for the District of Utah grants defense counsel’s unopposed motion to withdraw from representing Optima Care Jersey City LLC. The court denies Optima’s Rule 56(d) motion to defer consideration of Nursa’s pending motion for summary judgment, finding that Optima had not diligently pursued discovery and that its stated reasons for delay were no longer applicable.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Robert J. Shelby
JURISDICTION	United States District Court for the District of Utah
DECIDED	May 13, 2026
DOCKET	2:24-cv-00843-RJS-JCB
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 56(d) to defer ruling on Plaintiff's pending motion for summary judgment and separately moved for its counsel to withdraw. The district court granted the withdrawal motion and denied the Rule 56(d) motion.
STANDARD OF REVIEW	A motion to withdraw as counsel in a civil case is committed to the trial court's discretion. A Rule 56(d) request requires the nonmovant to show that it cannot present facts essential to oppose summary judgment and to provide an affidavit identifying the unavailable facts, why they are unavailable, the steps taken to obtain them, and how additional time would permit their acquisition.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

summary judgment

discovery dispute

third party practice

sanctions

civil procedure

PRACTICE AREAS

civil procedure

commercial litigation

discovery

summary judgment

QUESTIONS PRESENTED

1. Whether Optima's counsel should be permitted to withdraw from representation under the applicable local rule and discretionary factors.
2. Whether Optima satisfied Federal Rule of Civil Procedure 56(d) so that the court should defer ruling on Nursa's pending motion for summary judgment.

HOLDINGS

1. The court may permit withdrawal of counsel in a civil case when, considering the relevant circumstances, withdrawal is appropriate and supported by good cause. The court granted counsel's unopposed motion to withdraw.
2. Optima was not entitled to defer consideration of the summary-judgment motion because it failed to provide an adequate reason for deferral and had not diligently pursued the requested discovery.

KEY QUOTATIONS

“The moving party must “provide an affidavit explaining why facts precluding summary judgment cannot be presented.”” (Analysis Part II)

“Proceedings are stayed for 21 days for Optima to secure new counsel and to enter an appearance in this matter.” (Conclusion)

FACTUAL BACKGROUND

Nursa, a Utah software company, alleged that Optima, a New Jersey healthcare-facility operator, failed to pay for contracted services. Fact discovery ran from April through December 2025, but Optima waited until the last day of the discovery period to schedule depositions of two Nursa employees. Optima sought additional discovery, including a deposition of Nursa's corporate representative, and leave to file a third-party complaint, but the court had already denied those requests for lack of diligence and untimeliness. Optima's counsel represented that Optima had failed to cooperate in responding to discovery and producing documents.

PROCEDURAL HISTORY

Nursa filed a diversity action alleging that Optima failed to pay for contracted services. After discovery deadlines were established and later extended, Nursa moved for summary judgment. Optima did not respond to the summary-judgment motion and instead sought additional time under Rule 56(d), while also seeking to extend discovery and file a third-party complaint; those latter motions had previously been denied. Optima's counsel then moved to withdraw, and the court resolved both the withdrawal and deferral motions in this order.

DISPOSITION

other

CASES CITED

- *Abell v. Babbitt*, No. 98-2315, 1999 WL 215403, at *2 (10th Cir. Apr. 14, 1999)
- *Taylor v. Nat'l Collegiate Student Loan Tr.* 2007-1, No. 2:19-cv-00120-BSJ, 2020 WL 9255406, at *3 (D. Utah June 29, 2020)
- *Valley Forge Ins. Co. v. Health Care Mgmt. Partners, Ltd.*, 616 F.3d 1086, 1096 (10th Cir. 2010)

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