IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

FIRST SPECIALTY INSURANCE)	
CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04-2359-JPO
)	
WARD NORTH AMERICA)	
HOLDING, INC., et al.,)	
)	
Defendants.)	

ORDER

This case comes before the court on the Notice of Withdrawal of Counsel (**doc. 221**) filed by Kathleen A. Hardee. The court will construe the notice as a motion under D. Kan. 83.5.5.

D. Kan. Rule 83.5.5 governing withdrawal of counsel provides:

An attorney seeking to withdraw must file and serve a motion to withdraw on all counsel of record, and provide a proposed order for the court. In addition, the motion must be served personally or by certified mail, restricted delivery, with return receipt requested on the withdrawing attorney's client. (Emphasis added.)

Ms. Hardee has failed to comply with D. Kan. Rule 83.5.5 in that there has been no evidence that she has served a copy of her motion upon her client, defendant Certain Underwriters at Lloyd's, London, a/k/a Underwriters at Lloyd's, a/k/a Lloyds. Notwithstanding, the court notes that other counsel have entered their appearances on behalf of said defendant.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. The above-mentioned motion (doc. 221) is granted.

2. Kathleen A. Hardee is granted leave to withdraw as counsel of record for

defendant. However, Ms. Hardee shall serve a copy of the motion filed along with a copy

of this order upon her client.

Dated this 7th day of August, 2006, at Kansas City, Kansas.

s/ James P. O'Hara

James P. O'Hara

U.S. Magistrate Judge