

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SUNLIGHT SAUNAS, INC.,

Plaintiff,

v.

SUNDANCE SAUNA, INC., et al.,

Defendants.

CIVIL ACTION

No. 04-2597-KHV

ORDER

This matter comes before the Court on Sarita Pendurthi's Motion To Withdraw As Counsel (Doc. #338) filed October 30, 2006, the Motion For Withdrawal Of Appearance (Doc. #342) which Jerome T. Wolf and Rebecca S. Stroder filed November 7, 2006, Joseph A. Gagnon's Motion To Withdraw (Doc. #344) filed November 10, 2006, and defendant's Motion To Alter Or Amend Judgment (Doc. #339) filed November 3, 2006. On October 23, 2006, the Court ordered a remittitur of plaintiff's punitive damage award from \$150,000 to \$50,000, and ordered plaintiff by November 6, 2006, to accept or reject the remittitur. See Memorandum And Order (Doc. #337) filed October 23, 2006, at 14. On November 6, 2006, plaintiff notified the Court that it would accept the remittitur. See Notice Of Acceptance Of Remittitur (Doc. #341) filed November 6, 2006.

The Court is satisfied that it may sustain the motions to withdraw as counsel because the parties, both corporations, will continue to be represented by counsel and no substitute counsel will be necessary. See Team Logistics, Inc. v. Orderpro Logistics, Inc., No. 04-2016, 2005 WL 1140774, at *1 (D. Kan. May 10, 2005). The Court therefore sustains the motions to withdraw.

Defendant's motion to alter or amend argues that plaintiff is not entitled to the option of a new trial in lieu of remittitur. Because plaintiff accepted the Court's remittitur, the motion to alter or amend is moot. Accordingly, the motion is overruled as moot.

IT IS THEREFORE ORDERED that Sarita Pendurthi's Motion To Withdraw As Counsel (Doc. #338) filed October 30, 2006 be and hereby is **SUSTAINED**.

IT IS FURTHER ORDERED that the Motion For Withdrawal Of Appearance (Doc. #342) which Jerome T. Wolf and Rebecca S. Stroder filed November 7, 2006 be and hereby is **SUSTAINED**.

IT IS FURTHER ORDERED that Joseph A. Gagnon's Motion To Withdraw (Doc. #344) filed November 10, 2006 be and hereby is **SUSTAINED**.

IT IS FURTHER ORDERED that defendant's Motion To Alter Or Amend Judgment (Doc. #339) filed November 3, 2006 be and hereby is **OVERRULED** as moot.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to amend the Court's judgment in this case, see Judgment (Doc. #332) filed July 25, 2006, to reflect the remittitur of plaintiff's punitive damage award from \$150,000 to \$50,000.

Dated this 15th day of November, 2006 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge