

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

STEVEN D. BEEM,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04-3180-JWL
)	
DALE A. DAVIS, D.D.S., et al.,)	
)	
Defendants.)	

ORDER

This case comes before the court on the motion of Mary T. Malicoat for leave to withdraw as counsel for defendants (**doc. 43**).

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. Malicoat 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 clients. Notwithstanding, the court notes that defendants will continue to be represented by other counsel who have already entered their appearances in this case.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. The above-mentioned motion (**doc. 43**) is granted.
2. Ms. Malicoat is granted leave to withdraw as counsel of record for defendants.

However, Ms. Malicoat shall serve a copy of the motion filed along with a copy of this order upon her clients.

Dated this 31st day of August, 2006, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge