

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

MARSHA M. HULL,

Plaintiff,

v.

Case No. 05-1313-MLB

**INTERNATIONAL TRUCK & ENGINE
CORP.,**

Defendant.

ORDER

Before the Court is a Motion to Withdraw filed on May 10, 2006, by Christopher P. Christian who is counsel for Plaintiff in this action. (Doc. 9.) No response or objection has been filed.

Withdrawal of counsel is governed by D.Kan. Rule 83.5.5 which requires that counsel seeking to withdraw serve a copy of the motion on the party they represent either personally or by certified mail, restricted delivery, with return receipt requested. Proof of service is to be filed with the Clerk. Mr. Christian subsequently filed a Notice of Service (Doc. 10) stating that he had served plaintiff, Marsha M. Hull with a copy of his motion and attaching certified mail receipt on June 8, 2006.¹ It appears that counsel has generally complied with the requirements of the local rule concerning motions to withdraw except that there is no showing that he has advised Plaintiff (1) that she is personally responsible for complying with all orders of the court and time limitations established by the rules of procedure or by court order and (2) the dates of any pending trial, hearing or conference.

In this case, the Court has previously entered a Scheduling Order dated January 5, 2006 (Doc. 5). That Order provided for a cutoff of all discovery on December 1, 2006, a pretrial conference before Judge

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Mr. Christian's office advises that the notice was mailed to Plaintiff's home address, and that the person signing the return receipt -- Tiara E. Baker -- is Plaintiff's daughter.

Belot on January 29, 2007, and a dispositive motion deadline of February 23, 2007. Also included were other intervening dates and deadlines, including dates for expert disclosures by the parties, with Plaintiff's expert disclosures due on May 1, 2006, Defendant's expert disclosures due on August 1, 2006, and any rebuttal expert disclosures due on October 1, 2006.

Because of Mr. Christian's request to withdraw as counsel, it may be necessary to reconsider some of the deadlines set in the earlier Scheduling Order. In order to allow Plaintiff time to seek new counsel, the Court will therefore suspend all of the deadlines in the Scheduling Order which have not already expired pending further order of the Court. The Court will also allow Plaintiff until **August 21, 2006**, to locate and retain new counsel.

A status conference is set for **August 28, 2006 at 1:30 p.m.** in Room 406 U.S. Courthouse, 401 North Market, Wichita, Kansas. Counsel and any unrepresented parties are to appear in person at the conference. If Plaintiff has not retained an attorney who has formally entered an appearance by that date, Plaintiff shall appear in person for the status conference. Failure to appear at the conference may result in a request for sanctions against the non-appearing party, including possible dismissal of this case.

The motion by Mr. Christian to withdraw (Doc. 9) is, for good cause shown, GRANTED.

The Clerk of the Court shall forward a copy of this Order to Plaintiff by certified mail, return receipt requested.

IT IS SO ORDERED.

Dated this 27th day of June, 2006, at Wichita, Kansas.

s/ Donald W. Bostwick
DONALD W. BOSTWICK
U.S. MAGISTRATE JUDGE