

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TACO BELL, CORP.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-2323-CM
)	
BRIAN P. HAKAN & ASSOCIATES, INC.,)	
)	
Defendant.)	

ORDER

This matter comes before the court on the motion of Jessica S. Rutherford and James M. Kirkland for leave to withdraw as counsel for defendant, Brian P. Hakan & Associates, Inc. (**doc. 38**), and the motion of defendant for a thirty (30) day extension of the dispositive motion deadline and continuation of the pretrial conference (**doc. 43**). The court rules as follows.

Motion to Withdraw

Jessica S. Rutherford and James M. Kirkland move for leave to withdraw as counsel for defendant, Brian P. Hakan & Associates, Inc. (doc. 38). Counsel represent that defendant has consented to the withdrawal and no timely opposition to the motion has been filed.

For cause shown, the court grants counsel leave to withdraw. However, pursuant to 28 U.S.C. § 1654, “[p]arties to federal litigation are authorized to be represented either ‘personally or by counsel.’” The courts have consistently construed this statute as barring corporations and partnerships from proceeding “pro se” and requiring that they be

represented by counsel.¹ Therefore, defendant will not be allowed to proceed in this case without counsel. Defendant is urged to promptly retain counsel as, most notably, there is a pending motion to compel filed by plaintiff, to which defendant's response is due by **November 15, 2006**. As to the other pending deadlines, the court, on its own motion, stays those deadlines for 30 days to allow defendant an opportunity to retain counsel. The pretrial conference is canceled until further order of the court. A telephone status conference is set for **December 15, 2006, at 11:00 a.m.**, at which defendant must be represented by counsel. The court will initiate the call. Defendant is forewarned that the entry of appearance of new counsel will not result in this case being further delayed by resetting all discovery deadlines.

Motion for Extension of Time

Due to the above-stated ruling, defendant's motion for extension of time (doc. 43) is granted in part, denied in part.

IT IS SO ORDERED.

Copies of this order shall be served on all counsel of record and sent by regular and certified mail to Brian P. Hakan & Associates, Inc., 11235 Mastin Street, Suite 201, Overland Park, Kansas 66210.

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

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

¹ *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993) (citations omitted).