

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARTY POSTLEWAIT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-2452-CM
)	
CBS BROADCASTING, INC., et al.,)	
)	
Defendants.)	

ORDER

This case comes before the court on the motion of Paul Hasty, Jr. for leave to withdraw as counsel of record for plaintiff, Marty Postlethwait (**doc. 45**).

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. . . . Except when substitute counsel authorized to practice in this court has entered an appearance, withdrawing counsel shall provide evidence of notice to the attorneys client containing (1) the admonition that the client 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.

There is no evidence presented to the court that Mr. Hasty has served a copy of the instant motion with the required notice on his client in accordance with D. Kan. Rule 83.5.5.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. The above-mentioned motion (**doc. 45**) is denied without prejudice for reassertion in compliance with D. Kan. Rule 83.5.5.
2. Copies of this order shall be served on all counsel of record.

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

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