

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

LEARJET, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-2513-CM
	)	
ONEOK, INC.,et al.,	)	
	)	
Defendants.	)	

**ORDER**

This case comes before the court on the motion of Leslie H. Spiegel for leave to withdraw as counsel for defendants Duke Energy Corporation and Duke Energy Trading and Marketing, L.L.C. (“Duke Energy”) (**doc. 31**).

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. Spiegel 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 client. Notwithstanding, the court notes that Duke Energy 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. 31**) is granted.
2. Ms. Spiegel is granted leave to withdraw as counsel of record for Duke Energy.

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

3. Copies of this order shall be served by the clerk on all counsel of record.

Dated this 25th day of April, 2006, at Kansas City, Kansas.

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