

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

KENNETH CARLETON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 06-1100-MLB
	)	
SPIRIT AEROSYSTEMS, et al.,	)	
	)	
Defendants.	)	
_____	)	

**MEMORANDUM AND ORDER**

On June 21, 2007, the court ordered the parties to participate in mediation with Henry Cox serving as mediator. The mediation will occur on **July 31, 2007 at 10:00 a.m.** in Room 421, United States Courthouse, 401 N. Market, Wichita, Kansas. The parties and their respective counsel shall participate in the mediation.

The court notes that plaintiff continues to be unrepresented since his original counsel was permitted to withdraw on March 29, 2007. Plaintiff's attempts to secure substitute counsel have been unsuccessful based upon his written and oral reports to the court. Plaintiff has not conducted discovery other than the discovery previously conducted by his former counsel and professes to be unable to do so without assistance of counsel. The court also notes that the mediation process would benefit from the participation of a learned counsel on behalf of plaintiff so that the mediator would not be in the position of advising an unrepresented party. Based upon

plaintiff's poverty (he continues to be unemployed and living on a "credit card") as reflected in the telephone status conference on June 21, 2007, the court finds that the provisional appointment of Paul McCausland to represent plaintiff would serve the interests of this case.

IT IS THEREFORE ORDERED that Mr. Paul McCausland is provisionally appointed to represent plaintiff. Mr. McCausland's initial responsibility will be to confer with plaintiff and review plaintiff's records and file from previous counsel as may be necessary to assist Mr. McCausland in representing plaintiff at the time of mediation. If, upon completion of the initial investigation and mediation, Mr. McCausland elects not to accept permanent appointment, he shall notify the court and, to the extent consistent with professional responsibility, report his reasons in order to assist the court in making its determination under factors 3 and 4 of the *Castner* test. *Castner v. Colorado Springs Cablevision*, 979 F.2d 1417 (10<sup>th</sup> Cir. 1992).

The clerk is directed to send this order to Mr. McCausland.

IT IS SO ORDERED.

Dated this 22nd day of June, 2007, at Wichita, Kansas.

S/ Karen M. Humphreys

---

KAREN M. HUMPHREYS  
U.S. Magistrate Judge