

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MARGARET HARDBRIDGE	)	
BRAND, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 06-2140-JWL
	)	
SALINA RED COACH, LTD., et al.,	)	
	)	
Defendant.	)	

**ORDER**

This case comes before the court on the motion of Ray Simmons for leave to withdraw as counsel for defendant (**doc. 25**).

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.)

Mr. Simmons has failed to comply with D. Kan. Rule 83.5.5 in that there has been no evidence that he has served a copy of his motion upon his client. Notwithstanding, the court notes that defendant will continue to be represented by other counsel who has already entered an appearance in this case.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. The above-mentioned motion (**doc. 25**) is granted.
2. Mr. Simmons is granted leave to withdraw as counsel of record for defendant.

However, Mr. Simmons shall serve a copy of the motion filed along with a copy of this order upon his client.

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

Dated this 31st day of August, 2006, at Kansas City, Kansas.

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