

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

NANOSCALE CORPORATION,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 06-2311-KHV
)	
APPLIED NANOSCIENCE, INC., et al.,)	
)	
Defendants.)	

ORDER

Pursuant to D. Kan. Rule 83.5.5, this case comes before the court on the motion of movants, Diane C. Hutnyan and David W. Qunito, for leave to withdraw as counsel of record for defendant Douglas K. Beplate (**doc. 77**).

On February 28, 2007, a Withdrawal of Counsel and Entry of Appearance of Substituted Counsel (doc. 32) was filed by Nicholas S. Shantar of Quinn Emanuel Urquhart Oliver & Hedges (the “Quinn firm”) and Laurence M. Berman of Berman, Mausner & Reeser. Movants contend that they believed that this filing would act as the withdrawal for all attorneys in the Quinn firm who had entered their appearances on behalf of Mr. Beplate. However, since only attorneys, and not law firms, may appear in an action,¹ the court construed the filing as the entry of appearance of Laurence M. Berman, and the withdrawal of only Nicholas S. Shantar of the Quinn firm. Only recently, movants became aware of the fact that they are still technically counsel of record for Mr. Beplate, thus prompting the filing

¹ See D. Kan. Rule 83.5.1.

of the instant motion.

In consideration of the foregoing, and for cause shown,

IT IS HEREBY ORDERED:

1. Diane C. Huynyan and David W. Quinto's motion for leave to withdraw is granted (**doc. 77**).

2. Since defendant Douglas K. Beplate will be proceeding *pro se* in this case, unless and until he retains new counsel to represent him, he is cautioned that he is personally responsible for complying with all orders of the court and time limitations established by the rules of procedure or by court order. Attached to this order is the Order Administratively Closing the Case (doc. 72) and the Order extending the deadline for the parties to file a stipulation of dismissal or move to re-open the case (doc. 74).

3. Copies of this order shall be served on all counsel of record and a copy to defendant Beplate by certified and regular mail at 2512 East 6200 South, Holladay, UT 84121.

Dated this 24th day of October, 2007, at Kansas City, Kansas.

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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

NANOSCALE CORPORATION,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	
)	No. 06-2311-KHV
)	
APPLIED NANOSCIENCE, INC., et al.,)	
)	
Defendants.)	
_____)	

ORDER

Counsel for the parties listed above have orally confirmed they have settled and compromised the claims in this lawsuit.

IT IS THEREFORE ORDERED that the clerk administratively terminate this action without prejudice to the rights of the parties to reopen the proceedings for good cause shown, for the entry of any stipulation or order, or for any other purpose required to obtain a final determination of the litigation. On or before October 15, 2007, the parties shall file a stipulation of dismissal signed by the parties above who have appeared in the action, under Rule 41(a)(1) of the Federal Rules of Civil Procedure. If no such stipulation is received within the specified time and the parties have not reopened for the purpose of obtaining a final determination, this order shall constitute, for purposes of Rule 58 of the Federal Rules of Civil Procedure, the Court's entry of final judgment of dismissal with prejudice under Rule 41(a)(2).

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge

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U.S. District Court

District of Kansas

Notice of Electronic Filing

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Case Name: NanoScale Corporation, Inc v. Applied Nanoscience, inc et al

Case Number: [2:06-cv-2311](#)

Filer:

WARNING: CASE CLOSED on 08/15/2007

Document Number: 74(No document attached)

Docket Text:

ORDER granting [73] Motion for Extension of Time. Parties given to November 15, 2007 to file a stipulation of dismissal or move to re-open case. Signed by Judge Kathryn H. Vratil on 9/11/07.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)
(ls)

2:06-cv-2311 Notice has been electronically mailed to:

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