

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DEBRAH J. SMITH,

Plaintiff,

vs.

Case No. 06-4094-SAC

DOLLAR GENERAL CORPORATION
and DOLGENCORP, INC.,

Defendants.

MEMORANDUM AND ORDER

This case comes before the court on plaintiff's motion to set aside the judgment dismissing this case, and on the subsequent motion of plaintiff's counsel to withdraw. Defendant opposes the motions.

The motion to set aside the judgment is denied for substantially the same reasons set forth in defendant's brief (Dk. 17). Accordingly, the court need not reach counsel's motion to withdraw. The court notes, nonetheless, that by virtue of the court's delay in ruling on his motion to withdraw, plaintiff's counsel has had the benefit of the 30 days he requested in which to find substitute counsel, yet no such counsel has entered an appearance in the case.

IT IS THEREFORE ORDERED that plaintiff's motion to set aside judgment (Dk. 8) is denied, and that the motion to withdraw as attorney (Dk. 16) is denied as moot.

Dated this 27th day of February, 2007, Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge