

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CARLA THOMAS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-2005-JWL
)	
TIMOTHY L. SIFERS,)	
as the Executor of the Estate of)	
TIMOTHY M. SIFERS, M.D.,)	
)	
and)	
)	
TIMOTHY M. SIFERS, M.D., P.A.,)	
)	
Defendants.)	

ORDER

This matter comes before the court on the motion (**doc. 22**) of Sarah McLean Acosta, to withdraw as counsel for defendants Timothy L. Sifers, as the Executor of the Estate of Timothy M. Sifers, M.D. and Timothy M. Sifers, M.D., P.A.

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. Acosta 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 clients. Notwithstanding, the court notes that BK Christopher along with Jessica J. Shaw for the firm of Horn Aylward & Bandy will remain as counsel for defendants Timothy L. Sifers, as the Executor of the Estate of Timothy M. Sifers, M.D. and Timothy M. Sifers, M.D., P.A.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. The above-mentioned motion (**doc. 22**) is granted.
2. Ms. Acosta is granted leave to withdraw as counsel of record for defendants Timothy L. Sifers, as the Executor of the Estate of Timothy M. Sifers, M.D. and Timothy M. Sifers, M.D., P.A. However, Ms. Acosta shall serve a copy of the motion filed along with a copy of this order upon her client.

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

Dated this 26th day of June, 2007, at Kansas City, Kansas.

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