

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROY RENFRO *et al.*,

Plaintiffs,

v.

Case No. 07-2050-CM

SPARTAN COMPUTER SERVICES, INC.,

Defendant.

ORDER

This case comes before the court on the motion of Andrea C. Bernica to withdraw as counsel for defendant Spartan Computer Services, Inc. (Doc. 13).

D. Kan. Rule 83.5.5 governing withdrawal of counsel provides in part:

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 either personally or by certified mail, restricted delivery, with return receipt requested on the withdrawing attorney's client. **Proof of personal service or the certified mail receipt, signed by the client, or a showing satisfactory to the court that the signature of the client could not be obtained, shall be filed with the clerk.** (Emphasis added.)

Ms. Bernica's motion does not state a reason for withdrawal. The court has learned that Ms. Bernica left her position at the law firm of Ogletree, Deakins, Nash Smoak & Stewart, PC and is no longer involved in the case. However, neither proof of personal service nor the certified mail receipt signed by defendant's representative was filed with the clerk. Furthermore, a proposed order was not provided to the undersigned as required by D.

Kan. Rule 5.4.4.¹ Therefore, the court finds Ms. Bernica has not substantially complied with D. Kan. Rules 83.5.5 and 5.4.4. However, in the interest of judicial efficiency, and given the fact that defendants are still represented by Mr. Anthony B. Byergo of Ogletree, Deakins, Nash Smoak & Stewart, PC, the court finds good cause exists to grant Ms. Bernica's motion despite its numerous deficiencies. Accordingly,

IT IS ORDERED that Ms. Bernica's motion to withdraw (Doc. 13) is granted.

IT IS SO ORDERED.

Dated this 25th day of September, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge

¹ D. Kan. Rule 5.4.4 states as follows: "[a] Filing User shall not submit a proposed order ... by electronic filing, either as an attachment to a corresponding motion or otherwise. Rather, proposed orders shall be submitted directly to the appropriate judge, magistrate judge, or clerk in the form and manner set forth in the administrative procedures guide."