

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KERRI WIESE, surviving mother of
WLM minor,

Plaintiff,

v.

Case No. 07-4071-JAR

RANDAL S. WHITELEY, individually
and
R & M TRANSPORTATION, INC.

Defendants.

ORDER

This matter comes before the court upon defendants' Motion for Leave to Withdraw Appearance of Sarah E. Duncan Counsel of Record (Doc. 14). In support of this request, defendants' counsel states that Sarah E. Duncan is no longer with the law firm of Waldeck, Matteuzzi & Sloan. The instant motion also informs that Michael Matteuzzi, of Waldeck, Matteuzzi & Sloan will remain on the case. The court finds further briefing on this issue unnecessary.

D. Kan. Rule 83.5.5 requires a motion to withdraw to 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."

The instant motion has failed to indicate whether the requirements of D. Kan. Rule 83.5.5 have been met. However, because in practice the instant motion amounts to a substitution of counsel, the court finds that defendants need not meet the requirements of the local rule. Accordingly, and for good cause shown,

IT IS THEREFORE ORDERED that is hereby ordered that defendants' Motion for Leave to Withdraw Appearance of Sarah E. Duncan Counsel of Record (Doc. 14) is granted.

IT IS SO ORDERED.

Dated this 9th day of October, 2007, at Topeka Kansas.

s/ K. Gary Sebelius
K. GARY SEBELIUS
U.S. MAGISTRATE JUDGE