

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JOSEPH OSBORNE,)	
)	
Plaintiffs,)	
)	Case No. 11-2335-JWL-KGG
vs.)	
)	
C&D COMPLETE BUSINESS)	
SOLUTIONS, INC.,)	
)	
Defendants.)	
_____)	

ORDER

The requirements of D. Kan. Rule 83.5.5 having been met, the Motion to Withdraw as Counsel (Doc. 11) filed by Attorney Richard C. Wallace and the law firm of Evans & Mullinix, P.A. is hereby **GRANTED**.

Attorney Wallace (and his law firm, Evans & Mullinix) has represented the corporate Defendant C&D Complete Business Solutions, Inc. With Defendants' counsel of record now having been allowed to withdraw, the Defendant corporation has no attorney representing it in this case. It is well-established in this circuit that a corporation or partnership may only appear in a court by a licensed attorney. *Flora Constr. Co. v. Fireman's Fund Ins. Co.*, 307 F.2d 413, 414, 414 n.1 (10th Cir. 1962) (citing a score of cases in support of this proposition); *Nato Indian Nation v. Utah*, No. 02-4062, 2003 WL 21872551, at *1 (10th Cir. Aug. 8, 2003); *cf.*

Harrison v. Wahatoyas, L.L.C., 253 F.3d 552, 556 (10th Cir. 2001)

(reiterating the general rule in the circuit, but holding that a notice of appeal may be signed by a corporate officer as long as a lawyer “promptly” enters a formal appearance on behalf of the corporate entity).

Further proceedings in this case are hereby stayed until **November 30, 2011**, to allow Defendant an opportunity to obtain counsel to appear of record on their behalf.

The Clerk of the Court shall send a copy of this Order to Defendant C&D Complete Business Solutions, Inc. by certified mail, return receipt requested.

IT IS SO ORDERED.

Dated this 31st day of October, 2011, at Wichita, Kansas.

S/ KENNETH G. GALE
KENNETH G. GALE
U.S. MAGISTRATE JUDGE