

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

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|------------------------------------|---|--------------------------|
| RONALD BAKER, <i>et al</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 14-1356-JTM-KGG |
| |) | |
| AUSTIN DESLAURIERS, <i>et al</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER ON MOTION TO APPOINT COUNSEL AND LIFTING STAY

This action was filed by Plaintiffs *pro se* in 2014. On October 27, 2014, Plaintiffs filed a motion for appointment of counsel (Doc. 28). On February 9, 2015, the predecessor Magistrate Judge provisionally granted the motion to appoint counsel, but stayed the selection of counsel and the remainder of the case while two similar cases developed in other jurisdictions (Doc. 36).

Plaintiffs previously asked the undersigned Magistrate Judge to lift the stay and proceed with the case after the cases from the other jurisdictions resulted in at least preliminary rulings in favor of similarly-situated plaintiffs. (*See* Doc. 45.) In an Order dated April 4, 2016, this Court agreed that there was no longer any reason to delay this case based on the development of the Missouri and Minnesota cases, but noted its difficulty recruiting counsel for this case. (Doc. 46.) Thereafter, an additional Plaintiff has filed a motion to appoint counsel. (Doc. 47.) In the

interim, this Court continued its efforts, which have resulted in counsel volunteering to represent Plaintiffs.

The court hereby appoints Don Peterson, Jacob S. Graybill, N. Russ Hazlewood, Sean McGivern, and Nathan Elliott of Graybill & Hazlewood, LLC, and Randall Rathbun and Joseph Schremmer of Depew, Gillen, Rathbun & McInteer, LC, all of whom are members of the bar of this Court, to represent Plaintiffs in this action. Newly-appointed counsels' contact information is as follows:

Don Peterson
Jacob S. Graybill
N. Russell Hazlewood
Sean McGivern
Nathan Elliott
Graybill & Hazlewood, LLC
218 N. Mosley
Wichita, KS 67202-2806
Phone: 316-266-4058 Fax: 316-462-5566

Randall Rathbun
Joseph Schremmer
Depew, Gillen, Rathbun & McInteer, LC
8301 East 21st St. North, Suite 450
Wichita, KS 67206-2936
Phone: 316-262-4000 Fax: 316-265-3819

The court requests that the above-enumerated attorneys file formal entries of appearance. The Court also suggests that counsel review D. Kan. Rules 83.5.3(e)(2) and (f) and 83.5.3.1 regarding the reimbursement of out-of-pocket

expenses that are incurred by appointed counsel.

The clerk is directed to send a copy of this order to the above-enumerated attorneys and to all named Plaintiffs in this case.

The Court instructs Plaintiffs that any future letters, motions, or other submissions or communications on behalf of Plaintiffs shall be filed through counsel. To be clear, individual Plaintiffs (or groups thereof) **shall not** file any further *pro se* motions or make further *pro se* communications with the Court, Defendants, or defense counsel unless specifically granted permission by the Court. In the event individual Plaintiffs (or groups thereof) send letters, motions, or other submissions or communications to Chambers or to the Clerk's Office in violation of this Order, the Clerk of Court is directed to return such letter, motion, or other submission or communication to the sender along with a copy of this Order.

This Order further lifts the stay (Doc. 36) previously entered in this case. Newly-appointed counsel are to note that the summons and Complaint have not been served on Defendants.

IT IS SO ORDERED.

Dated on this 2nd day of August, 2016.

S/ KENNETH G. GALE
Kenneth G. Gale
United States Magistrate Judge