

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

ANGLO AMERICAN QUELLAVECO	)	
S.A.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:21-cv-02037-EFM-TJJ
	)	
MIQ LOGISTICS LLC	)	
NOATUM LOGISTICS PERU INC. SRL	)	
VOLANS LOGISTIC SRL,	)	
	)	
Defendants.	)	

**ORDER AUTHORIZING WITHDRAWAL OF COUNSEL**

This matter is before the Court on the Motion to Withdraw (ECF No. 6) filed by attorney Daniel C. Estes. Mr. Estes requests to be allowed to withdraw from this action with respect to the representation of Plaintiff. Because this withdrawal would leave Plaintiff without counsel, D. Kan. Rule 83.5.5(a) applies. Upon review, the Court hereby finds and orders as follows:

1. For the reasons stated in the Motion to Withdraw and supported by Mr. Estes’s affidavit (ECF No. 6-2), good cause exists for counsel to withdraw, and withdrawal is permissible under the applicable rules of professional conduct.

2. Mr. Estes states that out-of-state counsel James A. Saville, Jr. asked him to represent Plaintiff as local counsel, agreed to retain Mr. Estes, and stated he would pursue pro hac vice admission to appear in this matter on behalf of Plaintiff. Mr. Saville represented to Mr. Estes that Mr. Saville would effect service of process or obtain appropriate waivers of service from Defendants, some or all of whom are located in other countries.

3. As the deadline for service of process approached, Mr. Estes moved for an extension of the deadline to protect Plaintiff’s interests, which the Court granted (ECF No. 5).

Mr. Estes advised Plaintiff, Plaintiff's general counsel, and Mr. Saville of the consequences of failure to effect service or obtain a waiver and has requested direction in handling this matter.

Mr. Estes has received no direction or payment for his work, his engagement letter has not been executed, nor has Plaintiff or its counsel made any effort to effect service. The service deadline has expired.

4. Mr. Estes has provided all filings he has made in this case, along with the Motion to Withdraw, to Plaintiff, its general counsel, and Mr. Saville at the most current contact information he has for each. He also advised Plaintiff would be responsible for complying with any orders issued or deadlines set in this case, that the service deadline has expired, and that in the absence of direction he has taken no further action on Plaintiff's behalf. Plaintiff's general counsel and Mr. Saville acknowledged receipt of the Motion to Withdraw, and neither objected.

5. From the date of service of this Order upon Plaintiff, no further notices, papers or pleadings are to be served upon withdrawing counsel. All further notices, papers or pleadings to Plaintiff shall be served at the following addresses:

Richard J. B. Price, Group General Counsel and Company Secretary,  
Anglo American plc, Corporate Office, Group Legal, 20 Carlton House  
Terrace, London SW1Y 5AN, UK, email [r.price@angloamerican.com](mailto:r.price@angloamerican.com),  
phone +44 (0) 20 7968 8493

James A Saville, Jr., Hill Rivkins LLP, 45 Broadway, Suite 1500, New  
York, New York 10006, email [jsaville@hillrivkins.com](mailto:jsaville@hillrivkins.com), phone (212) 669-  
0600

6. Mr. Estes is hereby authorized to withdraw as counsel of record for Plaintiff in this case.

7. Finally, the Court advises Plaintiff Anglo American Quellaveco S.A. that business entities, such as corporations, partnerships, associations, and limited liability companies, cannot

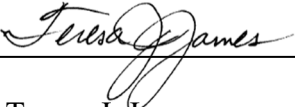
appear in federal court pro se and must be represented by a licensed attorney.<sup>1</sup> If Plaintiff fails to secure counsel to represent it in this litigation, it may be subject to being found in default and thus subject to judgment being entered against it.

**IT IS THEREFORE ORDERED** that the Motion to Withdraw (ECF No. 6) is granted. Daniel C. Estes is hereby withdrawn as counsel of record for Plaintiff in this case.

**IT IS FURTHER ORDERED** that a copy of this Order is to be mailed to Plaintiff at the addresses listed above.

**IT IS SO ORDERED.**

Dated in Kansas City, Kansas on this 1st day of June, 2021.

  
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Teresa J. James  
U.S. Magistrate Judge

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<sup>1</sup> See *Harrison v. Wahatoyas, LLC*, 253 F.3d 552, 556 (10th Cir. 2001) (“As a general matter, a corporation or other business entity can only appear in court through an attorney and not through a non-attorney corporate officer appearing pro se.”).