

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

MEDICAL SUPPLY CHAIN, INC.,
et al.,

Plaintiffs,

v.

Case No. 05-cv-2299-CM-GLR

NOVATION, LLC,
et al.,

Defendants.

ORDER

This matter comes before the Court on the Motion for Leave to Withdraw as Counsel (doc. 119) filed by Dennis Hawver, counsel for Plaintiffs. Mr. Hawver requests leave to withdraw from representing plaintiffs Medical Supply Chain, Inc. (“Medical Supply”) and Samuel K. Lipari in the above-captioned matter in accordance with D. Kan. Rule 83.5.5.

District of Kansas Rule 83.5.5 provides several specific requirements an attorney must comply with when seeking to withdraw as attorney of record in the case. It provides, in pertinent 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.¹

In support of his motion to withdraw, Mr. Hawver has attached a Notice of Responsibility of Client,

¹D. Kan. Rule 83.5.5.

which advises his clients that they are responsible for complying with all orders of the court and time limitations established by the rules of procedure or by court order and that the court has not scheduled a hearing or conference at this time. The Notice of Responsibility includes a section entitled "Acknowledgement of Service" that is signed by Samuel K. Lipari. There is, however, no indication that Mr. Lipari is signing on behalf of, or as a representative of, Plaintiff Medical Supply. The Court will therefore sustain in part and overrule in part Mr. Hawver's Motion for Leave to Withdraw. Attorney Dennis Hawver is hereby withdrawn as counsel for Plaintiff Samuel Lipari. The motion is otherwise overruled without prejudice to refiling further motion for leave to withdraw as to Plaintiff Medical Supply.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 29th day of January, 2008.

s/ Gerald L. Rushfelt
Gerald L. Rushfelt
United States Magistrate Judge