

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MEDICAL SUPPLY CHAIN, INC.,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No.05-2299-CM
NEOFORMA, INC., et al.,)	
)	
Defendants.)	
-----)		

ORDER

On October 17,2005, plaintiff Medical Supply Chain, Inc.'s counsel, Bret Landrith, filed a Motion to Withdraw as Attorney, and on November 16,2005, Magistrate Judge Gerald R. Rushfelt denied the motion for failure to comply with District of Kansas Rule 83.5.5. On December 14,2005, pursuant to District of Kansas Rule 83.6.6, Mr. Landrith was sent an order of interim suspension, temporarily suspending him from practicing law in the District and Bankruptcy Courts of this District. Consequently, on January 19,2006, this court ordered Mr. Landrith to file a motion to withdraw as counsel in compliance with District of Kansas Rule 83.5.5.

On January 30,2006, Mr. Landrith filed an Ordered Withdrawal of Plaintiffs Counsel (Doc. 72). Finding that it comports with the requirements of Rule 83.5.5, the court grants Mr. Landrith's request for withdrawal.

In his withdrawal motion, Mr. Landrith also seems to renew a request to substitute Samuel K. Lipari, CEO of Medical Supply Chain, Inc in his place. Currently pending before the court is plaintiff's previously-filed Motion to Substitute (Doc. 56). In the instant motion, Mr. Landrith makes the same request, but also adds that the corporate status of Medical Supply Chain, Inc. was dissolved on January 27,

~ EXHIBIT
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2006. It is the court's understanding that Mr. Lipari wishes to proceed pro se as the substituted plaintiff. Substitution of counsel is authorized without an order from the court, D. Kan. Rule 83.5.5, but a substitution of a *party* requires a separate motion. Fed. R. Civ. P. 25(c).

Moreover, because Mr. Landrith is temporarily suspended from practicing law in this district and is no longer counsel for plaintiff, he may not assert any additional arguments or motions beyond his motion to withdraw. Therefore, while the court grants Mr. Landrith's motion to withdraw, it denies all other requests embodied in the instant motion.

Accordingly, the plaintiff in this case remains Medical Supply Chain, Inc. Because plaintiff's pending motion for substitution was filed before the corporate status of Medical Supply Chain, Inc. was dissolved, the court suggests that plaintiff file an amended motion to substitute **if** plaintiff wishes to proceed with substitution. The court reminds plaintiff that only a licensed attorney in this district may file this motion; Mr. Lipari may not proceed pro se on behalf of Medical Supply Chain, Inc. *See Nato Indian Nation v. State of Utah*, 76 Fed. Appx. 854, 856 (10th Cir. 2003) ("Individuals may appear in court pro se, but a corporation, other business entity, or non-profit organization may only appear through a licensed attorney.") (citations omitted). Therefore, plaintiff has ten (10) days for new counsel to enter his or her appearance. Failure to obtain counsel might result in the court dismissing the case.

IT IS THEREFORE ORDERED that Mr. Landrith's Ordered Withdrawal of Plaintiffs Counsel (Doc. 72) is granted in part and denied in part. Specifically, the court grants Mr. Landrith's request to withdraw, but denies all other requests.

IT IS FURTHER ORDERED that from the date of service of this Order upon the parties to this action, no further notices, papers or pleadings are to be served upon withdrawing counsel. All further

notices, papers or pleadings to plaintiff Medical Supply Chain, Inc. shall be served upon said plaintiff at:
1300 NW Jefferson Court, Blue Springs, MO, 64015.

Dated this 2nd day of February 2006, at Kansas City, Kansas.

Is Carlos Murguia
CARLOS MURGUIA
United States District Judge

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On January 30, 2006, Mr. Landrith filed an Ordered Withdrawal of Plaintiff's Counsel (Doc. 72). Finding that it comports with the requirements of Rule 83.5.5, the court grants Mr. Landrith's request for withdrawal.

In his withdrawal motion, Mr. Landrith also seems to renew a request to substitute Samuel K. Lipari, CEO of Medical Supply Chain, Inc in his place. Currently pending before the court is plaintiff's previously-filed Motion to Substitute (Doc. 56). In the instant motion, Mr. Landrith makes the same request, but also adds that the corporate status of Medical Supply Chain, Inc. was dissolved on January 27,



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IT IS THEREFORE ORDERED that Mr. Landrith's Ordered Withdrawal of Plaintiff's Counsel (Doc. 72) is granted in part and denied in part. Specifically, the court grants Mr. Landrith's request to withdraw, but denies all other requests.

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notices, papers or pleadings to plaintiff Medical Supply Chain, Inc. shall be served upon said plaintiff at:
1300 NW Jefferson Court, Blue Springs, MO, 64015.

Dated this 2nd day of February 2006, at Kansas City, Kansas.

/s Carlos Murguia
CARLOS MURGUIA
United States District Judge