

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 12-cv-02547-MSK-BNB

THE PIONEER CENTRES HOLDING COMPANY EMPLOYEE STOCK OWNERSHIP
PLAN AND TRUST, AND ITS TRUSTEES, MATTHEW BREWER, ROBERT JENSEN AND
SUSAN DUKES,

Plaintiff,

v.

ALERUS FINANCIAL, NA, and
BERENBAUM WEINSHIENK, PC

Defendants.

ORDER

Darrell Waas and Patricia Campbell of Waas Campbell Rivera Johnson & Velasquez LLP (“Waas Campbell”) represent Richard Eason, Matthew Brewer, Robert Jensen, and Susan Dukes. Waas Campbell, but not the individual lawyers of that firm, attempts to withdraw as counsel for Richard Eason and the James Miletich of the law firm of McConnell Fleischer Houghtaling, LLC, seeks to enter his appearance on behalf of Mr. Eason by means of a **Substitution of Counsel** [Doc. # 82, filed 4/8/2013].

The local rules of practice of this court, D.C.COLO.LCivR, do not recognize substitutions of counsel. To the contrary, D.C.COLO.LCivR 83.3D governs the withdrawal of appearance and requires in relevant part:

An attorney who has appeared in a case may seek to withdraw on motion showing good cause. Withdrawal shall be effective only on court order entered after service of the notice of withdrawal on all counsel of record and on the withdrawing attorney’s client. A motion to withdraw must state the reasons for withdrawal unless

the statement would violate the rules of professional conduct.

I will construe the Substitution of Counsel as the entry of appearance of Mr. Miletich on behalf of Mr. Eason. See D.C.COLO.LCivR 11.1 (requiring that “[a]n appearance by or on behalf of a party shall be made in open court or in a pleading, motion, entry of appearance, or other paper personally signed by the individual making the appearance”). Before they will be allowed to withdraw from their representation of Mr. Eason, however, Darrell Waas and Patricia Campbell must comply with the requirements of D.C.COLO.LCivR 83.3D.

SO ORDERED.

Dated April 8, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge