

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RACHEL A. WEDEL,

Plaintiff,

v.

Case No. 13-2298-JWL

PETCO ANIMAL SUPPLIES STORES, INC.,

Defendant.

ORDER

On July 15, 2013, defendant filed a motion to dismiss certain counts in plaintiff's complaint (doc. 7). The motion to dismiss was fully briefed and ripe for decision on August 2, 2013. The following day, James Kiley, the attorney representing plaintiff, passed away. To give substitute counsel an opportunity to enter an appearance, the undersigned stayed the case (doc. 14). On September 20, 2013, plaintiff informed the undersigned's chambers that attorney Stephen W. Nichols would be representing her. The undersigned's courtroom deputy promptly contacted Mr. Nichols and directed him to file an entry of appearance on plaintiff's behalf. When Mr. Nichols failed to file anything, the courtroom deputy again contacted Mr. Nichols on October 10, 2013, and warned him that if he failed to enter his appearance by October 15, 2013, the undersigned would recommend that the presiding U.S. District Judge, John W. Lungstrum, decide the motion to dismiss.

As of today, neither Mr. Nichols nor anyone else has entered an appearance as substitute counsel for plaintiff. Accordingly, the undersigned hereby partially lifts the stay

to give Judge Lungstrum an opportunity to decide the motion to dismiss.¹ The stay continues with respect to all other pretrial proceedings, including discovery and the re-setting of a Rule 16 scheduling conference.

A copy of this order shall be mailed to plaintiff and Mr. Nichols, as well as to Ernest Ballweg and John Taylor, attorneys appointed by the Johnson County, Kansas District Court to take control of Mr. Kiley's files.

IT IS SO ORDERED.

Dated October 21, 2013, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

¹The motion seeks dismissal of Counts III, IV, VI, and VII. Thus, even if granted, this case will continue on plaintiff's remaining counts.