

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JULIE A. SU, Acting Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

GUESS & CO. KANSAS, LLC, d/b/a GUESS &
CO. CORPORATION and JERRY D. GUESS,
individually,

Defendants.

Case No. 24-cv-2292-JWB-TJJ

ORDER AUTHORIZING WITHDRAWAL OF COUNSEL

This matter is before the Court on the Amended Motion to Withdraw as Counsel (ECF No. 13) filed by attorney Jeffrey A. Befort (“Moving Counsel”). Moving Counsel requests that he be allowed to withdraw as counsel of record for Defendants Guess & Co. Kansas, LLC (the “Company Defendant”) and Jerry D. Guess (collectively, the “Defendants”) in this action. Because this withdrawal would leave Defendants without counsel, D. Kan. Rule 83.5.5(a) applies. Upon review of the Amended Motion and accompanying Affidavit (ECF No. 13-1), the Court hereby finds and orders as follows:

1. For the reasons set forth in the Amended Motion and Affidavit, good cause exists for counsel to withdraw, and said withdrawal is permissible under the applicable rules of professional conduct.
2. Moving Counsel has filed an Affidavit stating the Amended Motion was served on Defendants via certified mail and email, with receipt acknowledged on October 7, 2024.

3. Moving Counsel has informed Defendants in writing that they are personally responsible for complying with all orders of the Court and time limitations established by the rules of procedure or Court Order.

4. Moving Counsel has informed Defendants that presently there are no scheduled hearings, but it is anticipated that an Initial Scheduling Order will be entered shortly. Moving Counsel has notified Defendants that further proceedings may be held in this matter whether or not they are represented by counsel.

5. Moving Counsel, Jeffrey A. Befort, is hereby authorized to withdraw as counsel of record for Defendants in this case.

6. 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 Moving Counsel. All further notices, papers or pleadings to Defendants shall be served upon them at the following address:

Mr. Jerry D. Guess
Guess & Co. Kansas, LLC
c/o Guess & Co. Kansas, LLC
5540 West 110th Street. Suite 300
Overland Park, KS 66211

7. Finally, the Court advises Company Defendant that business entities, such as corporations, partnerships, associations, and limited liability companies, cannot appear in federal court *pro se* and must be represented by an attorney licensed to appear before this court.¹ If Company Defendant fails to secure counsel to appear and represent it in this litigation, an order of default judgment or other orders may be entered against this Defendant for its failure to appear.

¹ 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*.”).

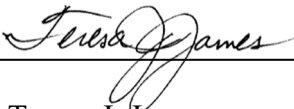
IT IS THEREFORE ORDERED that Moving Counsel's Amended Motion to Withdraw as Counsel (ECF No. 13) is granted. Pursuant to D. Kan. Rule 83.5.5(a), attorney Jeffrey A. Befort is hereby withdrawn as counsel of record for Defendants in this case.

IT IS FURTHER ORDERED that Moving Counsel's Motion to Withdraw as Counsel (ECF No. 12) has been superseded by the filing of the Amended Motion and is found moot.

IT IS FURTHER ORDERED that a copy of this Order is to be mailed to Defendants at the address listed above.

IT IS SO ORDERED.

Dated October 25, 2024, at Kansas City, Kansas.

A handwritten signature in cursive script, reading "Teresa J. James", is written above a horizontal line.

Teresa J. James
U. S. Magistrate Judge