

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
CASE NO. 5:18-CV-00041-BJB-LLK

GALE CARTER, *et al.*

PLAINTIFFS

v.

PASCHALL TRUCK LINES, INC., *et al.*

DEFENDANTS

OPINION AND ORDER

This matter is before the Court on the motion of the Defendant Element Fleet Management Corp. and Element Transportation, LLC’s, (“Element’s”), attorney to withdraw as counsel. [DN 223]. For the reasons discussed below, the Motion is **DENIED**.

Local Rule 83.6 provides three circumstances where an attorney may withdraw outside of the 21-day window of trial. These are:

- (a) The attorney files a motion, his or her client consents in writing, and another attorney enters his or her appearance; or
- (b) The attorney files a motion, certifies the motion was served on the client, makes a showing of good cause, and the Court consents to the withdrawal on whatever terms the Court chooses to impose.
- (c) In cases where an attorney seeks to be substituted for another as attorney of record, and both attorneys are within the same partnership or other legal professional association, a notice of substitution must be filed by the withdrawing attorney and the substitute attorney with an affirmative representation stating that the substitution is made with the client's consent; the notice may, but need not be, signed by the client.

Here, where Richard L. Etter will remain as counsel to Element and the attorney filed their motion to withdraw, the attorney has attempted compliance with LR 83.6(a). However, Local Rule 83.6(a) requires “his or her client consents in writing” which has not been provided. Therefore, the Plaintiff has failed to meet the consent requirement of LR 83.6(a)

IT IS THEREFORE ORDERED that the Plaintiff's Motion to Withdraw as Counsel is
DENIED without prejudice.

IT IS SO ORDERED.

February 9, 2021


Lanny King, Magistrate Judge
United States District Court

C: Counsel