

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CITY OF OMAHA, A Municipal Corporation,  
 Plaintiff,  
 vs.  
 R & B EXCAVATING, INC., a Nebraska corporation; UNITED FIRE AND CASUALTY COMPANY, An Iowa corporation; PINNACLE BANK, A Nebraska banking corporation; and JOHN MAIN,  
 Defendants.

8:10cv325

ORDER

This matter is before the court on the Motion ([filing 111](#)) of Matthew S. McKeever of Cople, Rockey, McKeever & Schlecht, P.C., LLO, to withdraw as counsel for Defendant John Main. For good cause shown, the court finds that the Motion should be granted.

The withdrawal of counsel will be effective upon service of this Order, a Notice of Withdrawal, and a copy of the Motion for Leave to Withdraw on John Main. At that time, Mr. Main will be deemed to be proceeding *pro se*, unless substitute counsel has entered a written appearance on his behalf.

**IT IS ORDERED** that the Motion for Leave to Withdraw ([filing 111](#)) is granted, as follows:

1. Moving counsel shall immediately serve copies of the Motion for Leave to Withdraw, a Notice of Withdrawal, and a copy of this Order on Defendant John Main.
2. Moving counsel shall timely file **proof of service** showing compliance with Paragraph 1 of this Order, listing the names and addresses of the persons to whom notice was sent. Moving counsel will not be relieved of applicable duties to the court, the client, and opposing counsel until proof of service is filed.
3. Upon the filing of proof of service pursuant to Paragraph 2 of this Order, Defendant John Main will be deemed to be proceeding *pro se*, that is, without the

assistance of counsel, **unless** substitute counsel has entered a written appearance on his behalf. If substitute counsel has not entered a written appearance, Defendant John Main shall file a written notice with the Clerk of the Court, of his current address and telephone number within five (5) business days of being served with the documents described in Paragraph 1 of this Order. Mr. Main may retain substitute counsel at any time; however, until such time as substitute counsel enters a written appearance, Mr. Main shall personally comply with all orders of this court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply with these requirements may result in the imposition of sanctions, including payment of costs and attorney's fees and/or the entry of default.

4. A telephone conference with the undersigned is scheduled for **September 29, 2011, at 10:30 A.M. (CST)**. If, as of that date, Mr. Main is proceeding *pro se*, he shall participate in the conference call on his own behalf. If Mr. Main plans to participate *pro se* in the conference, he shall contact Plaintiff's counsel in advance of the conference and provide him with the telephone number at which he can be reached for the conference.

**DATED September 14, 2011.**

**BY THE COURT:**

**S/ F.A. Gossett, III  
United States Magistrate Judge**