

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

ERA FRANCHISE SYSTEMS, INC., a)	
Delaware Corporation,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-2051 CM/JPO
)	
MBA PROPERTIES, INC., f/d/b/a ERA MBA)	
PROPERTIES, INC., BRUCE AILION, and)	
individual, MARLA AILION, an individual,)	
)	
Defendants.)	

UNOPPOSED MOTION TO WITHDRAW AS COUNSEL FOR MARLA AILION

COME NOW Brian C. Fries and Amy Loth Allen and the law firm of Lathrop & Gage LC (hereinafter collectively referred to as “Lathrop”) and hereby move the Court for an Order allowing them to withdraw as counsel for Defendant Marla Ailion in the above-captioned case. In support hereof, Lathrop states as follows:

1. On August 18, 2006, Lathrop inadvertently entered its appearance on behalf of all Defendants in the above-captioned case. However, Lathrop has not been retained by Defendant Marla Ailion to act as her counsel in this matter.
2. Upon information and belief, Defendant Marla Ailion has not been served with process in this case, and Lathrop does not have authority to accept service of process on behalf of Defendant Marla Ailion.
3. Lathrop’s entry of appearance on behalf of Defendant Marla Ailion was a mere oversight and therefore Lathrop respectfully requests that it be permitted to withdraw as counsel for Defendant Marla Ailion.

4. Lathrop will remain as counsel for Defendants MBA Properties, Inc., f/d/b/a ERA MBA Properties, Inc, and Bruce Ailion.

5. Plaintiff will not be prejudiced by Lathrop's withdrawal as counsel for Defendant.

6. Lathrop has advised Plaintiff's counsel of this Motion.

WHEREFORE, Brian C. Fries, Amy Loth Allen and Lathrop & Gage L.C. respectfully pray for an Order from this Court allowing them to withdraw as counsel for Defendant Marla Ailion in this case; and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

LATHROP & GAGE LC

By: /s/Amy Loth Allen

Brian C. Fries	KS #15889
Amy Loth Allen	KS #20218
2345 Grand Blvd., Ste. 2400	
Kansas City, MO 64108	
(816) 292-2000 – Telephone	
(816) 292-2001 – Facsimile	

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2006, a true and correct copy of the above and foregoing was served via the court's ECF system, on the following counsel of record:

Edward R. Spalty
Teresa L. Cauwels
Armstrong Teasdale LLP
2345 Grand Blvd., Suite 2000
Kansas City, MO 64108-2617
Attorneys for Plaintiff

/s/Amy Loth Allen
An Attorney for Defendants