

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CASE NO. 04-90152
: :
NORTHSIDE BISHOP TRUST, : CHAPTER 11
: :
Debtor. : JUDGE BIHARY

ORDER

This Chapter 11 case is before the Court on the motion of Tanya Mitchell Graham, P.C., to withdraw as counsel for the debtor in this case. There are two problems with the motion to withdraw. First, the debtor trust is an artificial entity and thus must be represented by a lawyer. *Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 347-48 (8th Cir. 1994); *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985), *cert. denied*, 474 U.S. 1058, 106 S.Ct. 799 (1986); *Nat'l Independent Theater Exhibitors, Inc. v. Buena Vista Distribution Co.*, 748 F.2d 602, 609 (11th Cir. 1984), *cert. denied*, 471 U.S. 1056, 105 S.Ct. 2120 (1985). Counsel did not indicate who will succeed her as counsel for the debtor. Second, counsel filed a motion to dismiss this Chapter 11 case on March 29, 2004, which has been set for hearing on April 28, 2004. It would be inappropriate to permit counsel to withdraw before her motion to dismiss is heard. Accordingly, the motion to withdraw must be DENIED at this time without prejudice to debtor's right to retain substitute counsel and to Ms. Mitchell Graham's right to file a motion to withdraw after the motion to dismiss has been adjudicated.

IT IS SO ORDERED, this _____ day of April, 2004.

JOYCE BIHARY
UNITED STATES BANKRUPTCY JUDGE

DISTRIBUTION LIST

Tanya Mitchell Graham, Esq.

Tanya Mitchell Graham, P.C.
5295 Highway 78
Suite D-359
Stone Mountain, Georgia 30087

Travis Vance, Esq.

Office of Chief Counsel
Internal Revenue Service
401 West Peachtree Street
Suite 1400
Atlanta, Georgia 30308

Beth Rogers, Esq.

Morris, Manning & Martin, LLP
1600 Atlanta Financial Center
3343 Peachtree Road
Atlanta, Georgia 30326-1004

Tom Dworschak, Esq.

United States Trustee's Office
Richard B. Russell Building
75 Spring Street
Suite 362
Atlanta, Georgia 30303