

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JEANNE CARTER, as Special)	
Administrator for the Estate)	
of JUANITA MAYE WOODWARD,)	
Deceased,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 03-1156-MLB
)	
KENNETH A. CARLSON and NEW)	
RISING FENIX, INC.,)	
)	
Defendants.)	
_____)	

MEMORANDUM AND ORDER

Before the court are the following:

1. Defendants Carlson and New Rising Fenix, Inc.'s motion for summary judgment (Docs. 187 and 188);
2. Plaintiff's response (Doc. 207); and
3. Plaintiff's reply (Doc. 213).

This Memorandum and Order incorporates the court's Memorandum and Order of even date pertaining to the admissibility of the testimony of Byron Bloch. The court finds that there are disputed issues of material fact which must be resolved by a jury and accordingly, defendants' motion is denied.

This case will be tried to an eight person jury beginning at 1:00 p.m. on January 10, 2006. The parties shall file any motions in limine, requested voir dire questions and proposed jury instructions on or before January 3.

IT IS SO ORDERED.

Dated this 22nd day of December 2005, at Wichita, Kansas.

s/ Monti Belot
Monti L. Belot
UNITED STATES DISTRICT JUDGE