

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

The Bradbury Co., Inc.)
)
Plaintiff,)
)
v.)
)
Andre Teissier-duCros; Georgia P. Bevis;)
Gean Overseas, Inc.; Gean Overseas/)
Bossard, Inc.; and ASC Machine Tools,)
Inc.,)
)
_____ Defendants.)
Andre Teissier-duCros and Gean)
Overseas, Inc.,)
)
Counter Plaintiffs,)
)
v.)
)
The Bradbury Co., Inc.; Strilich)
Technologies, Inc.; American Machine &)
Rollform Tech, Inc.; Marion Die &)
Fixture; Hayes International; and Beck)
Automation; David Bradbury, in his)
individual capacity; and Chad Bradbury,)
in his individual capacity,)
)
_____ Counter Defendants.)

Case No. 03-1391-WEB

ORDER

Now before the Court are counter defendants Marion Die & Fixture's (Marion) and Beck Automation's (Beck) motions for summary judgment. (Doc. 165, 179, 256, 260). In their motions, Beck and Marion argue that they are not legal entities and have no capacity to be sued.

On April 5, 2006, the Court directed counter-plaintiffs to file a response within ten days yet

counter-plaintiffs have failed to do so. (Doc. 291); D. Kan. R. 6.1(d).¹ This is the second opportunity the Court has given to counter-plaintiffs to respond. (Doc. 225). Local Rule 7.4 states, “[i]f a respondent fails to file a response within the time required by Rule 6.1(d), the motion will be considered and decided as an uncontested motion and ordinarily be granted without further notice.” D. Kan. R. 7.4.

The time for response has expired; hence, the Court deems the motions for summary judgment as uncontested. The Court grants summary judgment to Beck and Marion on all claims in the amended counterclaim.

Beck’s and Marion’s motions for summary judgment (Docs. 165, 179, 256, 260) are hereby GRANTED.

SO ORDERED this 27th day of April, 2006.

s/ Wesley E. Brown
Wesley E. Brown
U.S. Senior District Judge

¹ The Court notes that Georgia P. Bevis (GPB) filed a response. Federal Rule of Civil Procedure 56(e) permits an adverse party to submit a response on a motion for summary judgment. However, GPB is not a party adverse to Beck and Marion as she is not a counter-plaintiff. Accordingly, the Court will disregard her response. (Doc. 296).