

On January 9, 2006, the parties submitted a revised version of their proposed pretrial order, which incorporated additional stipulations. With this submission, combined with the court's earlier announcement that it would not make findings with regard to contested facts at this time and in this manner, the court finds that there are no remaining issues that may appropriately be adjudicated with regard to plaintiff's motion for findings of fact as a matter of law, and that said motion is now moot. The court will proceed with

consideration of the parties' proposed pretrial order and will enter that order upon completion of its review.

**IT IS THEREFORE ORDERED** that plaintiff's motion for findings of fact as a matter of law (Doc.167) is hereby found to be moot.

**IT IS SO ORDERED.**

Dated this 10th day of January, 2006, at Topeka, Kansas.

s/K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge