

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**GEORGE DEMPSEY, Individually, and)
as natural guardian and next friend of)
his minor son, MATTHEW A. DEMPSEY,)
a minor child,)**

Plaintiffs,)

v.)

Case No. 05-1087-KMH

DAVID CASEMENT,)

Defendant.)

_____)

MEMORANDUM AND ORDER

This matter is before the court on plaintiffs’ motion for reconsideration. (Doc. 36). Specifically, the Court’s February 14, 2006 Memorandum and Order refers to “20 acres that were burned” and plaintiff argues that the number of acres is a disputed fact. Defendant does not challenge plaintiff’s argument that the precise number of acres remains a factual issue and suggests that the opinion be amended. Because the parties agree that a factual dispute exists concerning the number of acres involved, the February 14 opinion shall be withdrawn and a modified Memorandum and Order filed.

IT IS THEREFORE ORDERED that plaintiffs’ motion for reconsideration **(Doc.**

36) is GRANTED. The Memorandum and Order filed February 14, 2006 (**Doc. 35**) is **WITHDRAWN.**

IT IS SO ORDERED.

Dated at Wichita, Kansas this 24th day of February 2006.

S/ Karen M. Humphreys

KAREN M. HUMPHREYS
United States Magistrate Judge