

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROBERT WILLMAN,
Plaintiff,

vs.

Case No.05-1193-JTM

UNITED STATES OF AMERICA,
DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY DEPARTMENT
and HOLLY REMUND,
Defendants.

MEMORANDUM AND ORDER

This is an action arising from a traffic accident in South Dakota. The plaintiff has sued both another driver in the accident, Holly Remund, a resident of South Dakota, and the federal government itself, along with the Federal Highway Administration and the Department of Transportation, alleging that they failed to properly maintain the location of the accident.

The defendants have moved to dismiss the action, Remund arguing (Dkt. No. 5) that the court has no personal jurisdiction to hear the plaintiff's claims about the South Dakota accident, and the federal defendants agreeing (Dkt. No. 9) that the action against Remund cannot be tried in Kansas, and that Remund is a necessary party to any claims against them. Plaintiff has filed no response to either motion, and the time allowed for any such response has now passed. Accordingly, the defendants' motions are hereby granted both for good cause shown and pursuant to D.Kan.R. 7.4.

IT IS ACCORDINGLY ORDERED this 19th day of January, 2006, that the motions to dismiss of the defendants (Dkt. Nos. 5, 8) are hereby granted.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE