

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MARIA NAVA,

Plaintiff,

vs.

Case No. 05-1360-JTM

THE HAYES COMPANY,

Defendant.

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MEMORANDUM AND ORDER

This matter is before the court on the motion of the defendant The Hayes Company for dismissal of Count II of plaintiff Maria Nava's complaint, which alleges breach of an implied contract. Hayes argues that, whether in her original complaint or in the subsequent amended complaint, Nava has failed to allege the existence of any facts or circumstances which would suggest that the employment relationship was other than at-will.

Hayes's motion was filed June 21, 2006. Plaintiff Nava was required to file any response on or before July 14, 2006; no response has been filed. Both for good cause shown and as an uncontested matter pursuant to D.Kan.R. 7.4, defendant's Motion to Dismiss (Dkt. No. 19) is hereby granted.

IT IS SO ORDERED this 24<sup>th</sup> day of July, 2006.

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