

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No. 06-1045-JTM

DEFENDANT NO. 1:
CONTENTS OF BANK OF AMERICA
ACCOUNT NUMBER 005041639105,
STYLED AS ALAJAH FITCHPATRICK IN
THE APPROXIMATE AMOUNT OF \$10,416.58,
more or less;

DEFENDANT NO. 2:
CONTENTS OF BANK OF AMERICA,
CERTIFICATES OF DEPOSIT, ACCOUNT
NUMBERS 091000058409507 AND
091000058409510, STYLED AS EMMA
DOUGLAS IN THE APPROXIMATE AMOUNT
OF \$25,409.61, more or less;

DEFENDANT NO. 3:
APPROXIMATELY \$10,937.22 IN UNITED
STATES CURRENCY SEIZED ON OR
ABOUT DECEMBER 15, 2005, FROM BYRON
FITCHPATRICK;

DEFENDANT NO. 4:
ONE PARCEL PROPERTY LOCATED AT
1120-1122 NORTH GLENDALE STREET,
WICHITA, KANSAS, with all appurtenances,
improvements and attachments thereon;

DEFENDANT NO. 5:
ONE PARCEL PROPERTY LOCATED AT 1241
N. HYDRAULIC STREET, WICHITA,
KANSAS with all appurtenances,
improvements and attachments thereon;

DEFENDANT NO. 6:
ONE PARCEL PROPERTY LOCATED AT
1913 E. 24TH STREET, WICHITA, KANSAS,
with all appurtenances, improvements and
attachments thereon;

DEFENDANT NO. 7:
ONE PARCEL PROPERTY LOCATED AT
2450 N. MINNESOTA STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 8:
ONE PARCEL PROPERTY LOCATED AT
2419 E. MOSSMAN STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 9:
ONE PARCEL PROPERTY LOCATED AT
3102 S. PINECREST STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 10:
ONE PARCEL PROPERTY LOCATED AT
11218 W. NEVILLE STREET, WICHITA,
SEDGWICK COUNTY, KANSAS, with all
appurtenances, improvements and attachments
thereon;

DEFENDANT NO. 11:
ONE PARCEL PROPERTY LOCATED AT
1017 N. PERSHING STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 12:
ONE PARCEL PROPERTY LOCATED AT
3100 S. PINECREST STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 13:
ONE PARCEL PROPERTY LOCATED AT
1250 N. LORRAINE STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 14:
ONE PARCEL PROPERTY LOCATED AT
2361 N. LAMSON STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 15:
ONE PARCEL PROPERTY LOCATED AT
2017 N. KANSAS STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 16:
ONE PARCEL PROPERTY LOCATED AT
2319 E. STADIUM STREET, WICHITA,
KANSAS with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 17:
ONE PARCEL PROPERTY LOCATED AT
1641-1643 N. LORRAINE STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 18:
APPROXIMATELY \$20,263.19 IN UNITED
STATES CURRENCY, AS SUBSTITUTE RES
FOR: One parcel property located at 4509 N.
Mission Street, Wichita, Kansas;

DEFENDANT NO. 19:
ONE PARCEL PROPERTY LOCATED AT
1402 N. BATTIN STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 20:
ONE PARCEL PROPERTY LOCATED AT
2708 N. MADISON STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 21:
ONE PARCEL PROPERTY LOCATED AT
1512 N. GREEN STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 22:
APPROXIMATELY \$10,399.63 IN UNITED
STATES CURRENCY AS SUBSTITUTE RES
FOR: One parcel property located at 2101 N.
Minnesota Street, Wichita, Kansas;

DEFENDANT NO. 23:
ONE PARCEL PROPERTY LOCATED AT
1547 N. ERIE STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 24:
ONE PARCEL PROPERTY LOCATED AT
11007 W. 1ST STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 25:
ONE PARCEL PROPERTY LOCATED AT
1600 N. POPLAR STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 26:
ONE PARCEL PROPERTY LOCATED AT
2051-2053 E. 9TH STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 27:
ONE PARCEL PROPERTY LOCATED AT
4031 E. STEARMAN STREET, WICHITA,
KANSAS, with all appurtenances, improvements
and attachments thereon;

DEFENDANT NO. 28:
APPROXIMATELY \$6,393.81 IN UNITED
STATES CURRENCY, AS SUBSTITUTE RES
FOR: One parcel property located at 2801 E.
Central Avenue, Wichita, Kansas;

DEFENDANT NO. 29:
ONE PARCEL PROPERTY LOCATED AT
1254 N. MINNEAPOLIS, WICHITA, KANSAS,
with all appurtenances, improvements and
attachments thereon;

DEFENDANT NO. 30:
ONE PARCEL PROPERTY LOCATED AT
1909 E. 12TH STREET, WICHITA, KANSAS,
with all appurtenances, improvements and
attachments thereon;

Defendants.

MEMORANDUM AND ORDER

Currently before the court is the plaintiff's Motion to Strike certain claimants. Specifically, the plaintiff seeks to strike the claims of Shatanya L. Fitchpatrick, Shatanya L. Fitchpatrick as guardian for Alajah B. Fitchpatrick, Emma J. Douglas, and ABS Rentals and Investments, Inc. (ABS). These claimants have previously failed to comply with requested interrogatories, and so are subjected to an Order to Compel, granted by the United States Magistrate Judge on November 26, 2007. (Dkt. No. 132). Subsequently, as stated in the plaintiff's motion (Dkt. No. 150, at 6), the claimants have failed to comply with the Scheduling Order entered by the Magistrate Judge on February 15, 2008, which required the disclosure of information under Fed.R.Civ.Pr. 26(a)(1) by February 29, 2008.

Plaintiff's motion was addressed to the Magistrate Judge in a hearing conducted June 24, 2008. The Magistrate Judge subsequently entered an Order which directed the claimants to submit a response to the Motion to Strike no later than July 14, 2008. (Dkt. No. 153, at 4).

Also before the court is the motion for interlocutory order directing a sale of Defendants 9 and 10. (Dkt. No. 130). The most recent Order of the United States Magistrate Judge directed claimants to supplement their prior response as to each property. (Dkt. No. 153, at 2-3).

The claimants have submitted no response to the Motion to Strike, or otherwise responded to the court's prior orders. For good cause shown and pursuant to D.Kan. Rule 7.4, the plaintiff's Motions for Interlocutory Sale and to Strike (Dkt. No. 130, 150) are hereby granted.

IT IS SO ORDERED this 16th day of September, 2008.

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