

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WERNER J QUILITZSCH and JENS
QUILITZSCH,

Plaintiffs,

vs.

Case No. 06-1138-JTM

ROBERT F. CHALLANS,

Defendant.

MEMORANDUM AND ORDER

The present action arises from a relationship in which plaintiffs allegedly loaned defendant a total sum of \$80,636.00 with an agreement from defendant to repay the loan. Plaintiffs, Werner and Jens Quilitzsch filed a motion for summary judgment. Following the filing of the motion for summary judgment, defendant failed to respond.

Under D. Kan. Rule 7.4, if a respondent fails to file a response within the time required by Rule 6.1(d), the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice. For this reason and for good cause shown, the court grants plaintiffs' motion for summary judgment.

IT IS ACCORDINGLY ORDERED this 6th day of February, 2007 that plaintiffs' motion for summary judgment (Dkt. No. 17) is granted. IT IS FURTHER ORDERED that defendant is directed to remit payment of \$80,636.00 to plaintiffs.

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