

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOSEPH BARBURY,
Plaintiff,

vs.

Case No. 06-1174-JTM

DUCKWALL-ALCO STORES, INC.,
Defendant.

MEMORANDUM AND ORDER

The court has previously granted the agreed-upon motion by plaintiff Joseph Barbury for leave to file an Amended Complaint which would leave aside the previous claims advanced pursuant to the Kansas Act Against Discrimination. (Dkt. No. 14). This Amended Complaint was then duly filed. (Dkt. No. 15). Accordingly, the defendant Duckwall-Alco Store's Motion to Dismiss the plaintiff's KAAD claims (Dkt. No. 11) is moot and will be denied on that basis.

IT IS THEREFORE ORDERED this 18th day of January, 2007 that the defendant's Motion to Dismiss (Dkt. No. 11) is hereby denied.

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