

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

MELISA GONZALEZ, for herself and for a)	
class of similarly situated persons,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 06-2163-KHV
)	
PEPSICO , INC., et al.,)	
)	
Defendants.)	

ORDER

On October 26, 2006 plaintiff filed a motion (Doc. 22), which the court granted (Doc. 23), seeking additional time for Rockstar, Inc. and Coca-Cola Enterprises Inc. to file an answer or otherwise respond to plaintiffs' second amended complaint (Doc. 21). Plaintiff had previously filed five similar requests seeking extensions for various defendants¹ all of which the court granted.² No defendants have entered an appearance or filed an answer in the present case.

Plaintiff's most recent motion (Doc. 22) states that it hand delivered their "Second Amended Class Action Complaint" on or about October 11, 2006 to defendants Rockstar, Inc. and Coca-Cola Enterprises.³ The docket, however, does not reflect a return of executed summons for any presently named defendants.⁴ In light of the six previously granted extensions and in an effort to have an

¹See (Doc. 5); (Doc. 7); (Doc. 10); (Doc. 11); (Doc. 13).

² See (Doc. 7); (Doc. 9); (Doc. 12); (Doc. 14)

³ See (Doc. 22) at p. 1.

⁴ Two Summons Returned Executed (Docs. 3 & 4) were filed for defendants In-Zone Brands and Talking Rain Beverage Company, Inc, both of whom plaintiff subsequently filed a Notice of Voluntary Dismissal against (Docs. 18 & 19).

accurate record, the court directs the plaintiff to file with the court any return of executed summons in its possession or control related to any named defendants by **November 9, 2006**.

IT IS SO ORDERED.

Dated this 30th day of October, 2006, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge