

ROY RENFRO, et al.,
individually and on behalf of
others similarly situated,

Plaintiffs,

v.

SPARTAN COMPUTER
SERVICES, INC., et al.,

Defendants.

No. 06-2284-KHV

D. Kan. Rule 7.3(b) provides that “[a] motion to reconsider shall be based on (1) an intervening change in controlling law, (2) the availability of new evidence, or (3) the need to correct clear error or prevent manifest injustice.” Steenhausen and Connorton argue that the Court clearly erred in its previous order because their answer preserved an objection to personal jurisdiction.

Specifically, they point to paragraph five, which states in part that “Connorton and Steenhausen deny that this Court has jurisdiction over the claims brought against them” Defendants’ Answer To Plaintiffs’ First Amended Complaint (Doc. #83) filed June 18, 2007 ¶ 5 (emphasis added).

Contrary to defendants’ argument, this answer does not preserve any objection to personal jurisdiction. The answer is specifically couched in terms of jurisdiction over plaintiffs’ claims, and the question whether the court has jurisdiction over the claims in this case is one of subject matter jurisdiction, not personal jurisdiction. In context, the answer is made to plaintiffs’ statement of subject matter jurisdiction, which further suggests that defendants intended to object specifically to subject matter jurisdiction. It goes without saying that the distinction between personal jurisdiction and subject matter jurisdiction is a significant one, and the Court will not conflate the two concepts in this case.

Steenhausen and Connorton do not otherwise argue that the answer objects to personal jurisdiction. Because they have not demonstrated clear error in the Court’s previous order, the Motion To Reconsider Memorandum And Order Overruling Motion To Dismiss For Lack Of Personal Jurisdiction And Integrated Memorandum In Support (Doc. #311) filed April 21, 2008 is overruled.

IT IS SO ORDERED.

Dated this 28th day of April, 2008 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge