

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

ERIC BUTLER,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	No. 06-2319-KHV
NATIONAL COLLEGIATE)	
ATHLETIC ASSOCIATION and)	
THE UNIVERSITY OF KANSAS,)	
)	
Defendants.)	

ORDER

Plaintiff Eric Butler filed this action on July 31, 2006, alleging that defendants violated his rights under Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681 *et seq.*, and 42 U.S.C. § 1983. On August 14, 2006, defendants each filed a motion to dismiss, and defendant National Collegiate Athletic Association filed a motion to intervene in the event the Court granted its motion to dismiss. See Docs. ##5, 7, 13. On August 17, 2006, plaintiff filed an amended complaint with leave of Court. See Doc. #24. In response, defendants have not filed answers or motions under Rule 12, Fed. R. Civ. P.¹

IT IS THEREFORE ORDERED that Defendant NCAA's Motion To Dismiss Count I (Doc. #5), NCAA's Application To Intervene (Doc. #7) and Defendant University Of Kansas' Motion To Dismiss Count II, Plaintiff's § 1983 Claim, For Lack Of Jurisdiction (Doc. # 13), all filed August 14, 2006, be and hereby are OVERRULED as moot.

IT IS FURTHER ORDERED that on or before October 30, 2006, defendants shall serve

¹ Because plaintiff filed an amended complaint, defendants' previously filed motions to dismiss are moot.

answers or file renewed motions to dismiss.

Dated this 19th day of October, 2006 at Kansas City, Kansas.

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