

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

MELONY L. JONES,

Plaintiff,

v.

**THE CONGREGATIONAL HOME d/b/a
BREWSTER PLACE RETIREMENT
COMMUNITY,**

Defendant.

**CIVIL ACTION
No. 06-2367-KHV**

ORDER

On September 6, 2006, plaintiff filed a complaint against The Congregational Home d/b/a/ Brewster Place Retirement Community, for employment discrimination and retaliation based on race. See Doc. #1. On September 15, plaintiff served the complaint on defendant. See Doc. #2. Pursuant to Rule 12(a), Fed. R. Civ. P., defendant's answer was due October 5, 2006. Defendant did not timely answer or otherwise respond. On October 12, 2006, the Court ordered plaintiff to show good cause in writing why the case should not be dismissed with prejudice for lack of prosecution under Fed. R. Civ. P. 41(b). See Doc. #3. This matter comes before the Court on plaintiff's response to the show cause order. See Doc. #5.

Plaintiff states that after receiving the show cause order, counsel sent defendant a courtesy letter which stated that if defendant did not file an answer by October 18, 2006, plaintiff would file a motion for default judgment. On October 17, 2006, defendant filed an answer to the complaint. See Doc. #4. Plaintiff states that she has consulted with defense counsel, that she is satisfied that good cause existed for the late filing and that she will not object thereto. On this record, the Court finds that plaintiff has shown good cause why the case should not be dismissed.

IT IS SO ORDERED.

Dated this 3rd day of November, 2006 at Kansas City, Kansas.

s/ Kathryn H. Vratil

Kathryn H. Vratil

United States District Judge