

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

DANIEL PHILLIPS,

Plaintiff,

v.

KIMBRA L. MARTIN,

Defendant.

CIVIL ACTION

No. 06-2442-KHV

ORDER

This matter is before the Court on plaintiff's Motion To Amend Extension Orders Or In The Alternative For Late Filing (Doc. #55) filed October 30, 2007. Plaintiff asks the Court to amend its orders which extended the deadline for plaintiff's responses to defendant's motion for summary judgment and the Court's order to show cause, to include an extension of the deadline to file an answer to defendant's counterclaim. Plaintiff's motion is well taken.

On April 10, 2007, defendant filed her answer to the amended complaint and counterclaim. See Doc. #25. Plaintiff timely filed a motion to extend the deadline to reply to defendant's counterclaim. The Court granted plaintiff an extension until May 31, 2007. See Order (Doc. #36). On May 15, 2007, however, the Court stayed all proceedings except briefing on a show cause order. See Order And Order To Show Cause (Doc. #38). The Court recently removed the stay. See Order And Order To Show Cause (Doc. #94) filed September 24, 2007. The Court also granted plaintiff an extension of time to respond to defendant's motion for summary judgment and the Court's most recent show cause order. See Order (Doc. #46) filed October 19, 2007; Order (Doc. #49) filed October 25, 2007; Order (Doc. #51) filed October 30, 2007. In the motions for extension of time, plaintiff inadvertently omitted a request to extend the deadline to reply to defendant's counterclaim.

Defendant has not suffered prejudice and plaintiff filed his reply contemporaneously with his response to defendant's motion for summary judgment and his show cause response. See Plaintiff's Answer To Defendant's Counterclaims (Doc. #57) filed October 30, 2007. Accordingly, the Court extends to October 30, 2007 the deadline for plaintiff to reply to defendant's counterclaim.

IT IS THEREFORE ORDERED that plaintiff's Motion To Amend Extension Orders Or In The Alternative For Late Filing (Doc. #55) filed October 30, 2007 be and hereby is **SUSTAINED. On or before October 30, 2007, plaintiff may file a reply to defendant's counterclaims.**

Dated this 16th day of November, 2007 at Kansas City, Kansas.

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