

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

SUE ANN LAWSON,

Plaintiff,

v.

**BROWN COUNTY, KANSAS,
THE BROWN COUNTY BOARD
OF COMMISSIONERS, THE BROWN
COUNTY SHERIFF'S OFFICE, and
BRIAN EVERHART,**

Defendants.

No. 06-2511-CM

ORDER

This case is before the court on Motion to Dismiss Defendants Brown County, Kansas, the Brown County Board of Commissioners, and the Brown County Sheriff's Office (Doc. 16).

Defendants claim that plaintiff improperly named defendants and that the court lacks personal jurisdiction over them. Plaintiff responded with an admission that she did not comply with K.S.A. §19-105, and seeks leave to amend her complaint to properly name defendants.

Leave to amend "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). The court finds that (1) plaintiff timely sought leave to amend, (2) defendants will not be prejudiced by granting plaintiff leave to amend, (3) plaintiff has not acted in bad faith, and (4) leave to amend would not be futile. The court therefore grants plaintiff leave to file her proposed amended complaint to remedy the defect defendants identified in their motion to dismiss.

IT IS THEREFORE ORDERED that Motion to Dismiss Defendants Brown County, Kansas, the Brown County Board of Commissioners, and the Brown County Sheriff's Office (Doc.

16) is granted for failure to comply with K.S.A. § 19-105.

IT IS FURTHER ORDERED that plaintiff may amend her complaint within ten days of the date of this order to name defendants in compliance with Kansas law.

Dated this 10th day of April 2007, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge