

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

KAREN BURNETT,

Plaintiff,

v.

Case No. 06-2546-KHV

WELCOME SMOKERS, INC.,

Defendant.

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**ORDER**

This matter comes before the court upon defendant's second unopposed Motion to Withdraw Answer and File Answer Out of Time (Doc. 9). The court previously directed counsel for defendant to re-file its Motion to Withdraw Answer and File Answer Out of Time in full compliance with this court's local Rule 15.1. Upon reviewing defendant's motion, the court finds that defendant has complied with D. Kan. R. 15.1 and that good cause exists that said motion be granted. Therefore, will court will strike defendant's previous answer and shall direct defendant to file its First Amended Answer as a separate document in this case. Accordingly,

**IT IS THEREFORE ORDERED** that Defendant's second Motion to Withdraw Answer and File Answer Out of Time (Doc. P) is hereby granted;

**IT IS FURTHER ORDERED** that on or before **March 5, 2007**, defendant shall file its First Amended Answer as a separate document in this case; and

**IT IS FURTHER ORDERED** that the Clerk's Office is directed to strike defendant's original Answer (Doc. 3) in this case.

**IT IS SO ORDERED.**

Dated this 28<sup>th</sup> day of February, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge