

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KAREN BURNETT,

Plaintiff,

v.

Case No. 06-2546-KHV

WELCOME SMOKERS, INC.,

Defendant.

ORDER

This matter comes before the court upon defendant's unopposed Motion to Withdraw Answer and File Answer Out of Time (Doc. 6). On January 17, 2007, defendant's Director of Human Resources, who did not identify himself as a licensed attorney, filed an "Answer" on behalf of defendant.¹ While the court was preparing to issue an order striking such answer as improper,² defendant obtained counsel and counsel for defendant filed the instant, unopposed motion. However, defendant failed to attach its proposed answer, as required by this court's

¹See Doc. 3.

²See *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993) (internal citations omitted) ("It has been the law for the better part of two centuries, for example, that a corporation may appear in the federal courts only through licensed counsel."); see also *Flora Const. Co. v. Fireman's Fund Ins. Co.*, 307 F.2d 413, 414 (10th Cir. 1962); *Devilliers v. Atlas Corp.*, 360 F.2d 292, 294 (10th Cir. 1966); *U.S.A. v. Coupling Distributors International, Inc.*, 2003 U.S. Dist. LEXIS 3655 (N.D. Okla. February 12, 2003); *Albert v. Wesley Health Services, et. al.*, 2001 U.S. Dist. LEXIS 8589 (D. Kan. March 8, 2001).

local rules for amending the pleadings.³ Therefore, the court will deny defendant's motion without prejudice, providing defendant the full opportunity to file its motion in full compliance with this court's local rules. Accordingly,

IT IS THEREFORE ORDERED that Defendant's Motion to Withdraw Answer and File Answer Out of Time (Doc. 6) is hereby denied without prejudice.

IT IS SO ORDERED.

Dated this 27th day of February, 2007, at Topeka, Kansas.

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

³D. Kan. R. 15.1 (“[A] motion to amend or a motion for leave to file a pleading or other document that may not be filed as a matter of right shall set forth a concise statement of the amendment or leave sought to be allowed *with the proposed pleading attached.*”)(emphasis added).