

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAN MACEK,

Plaintiff,

v.

Case No. 06-4078-KGS

FARM BUREAU MUTUAL
INSURANCE COMPANY,

Defendant.

ORDER

This matter comes before the court upon defendant Farm Bureau Mutual Insurance Company's Reply to Response to Motion for Summary Judgment (Doc. 47). Upon reviewing defendant's reply, and in light of the arguments and exhibits contained therein, the court finds that additional briefing is necessary on one narrow issue – namely, the existence of a “Non-Waiver Agreement,” and the arguments defendant raises in relation to this agreement as contained in paragraph “B” of its reply. Accordingly,

IT IS THEREFORE ORDERED that on or before **April 3, 2007**, plaintiff shall file a surreply to defendant's reply (Doc. 47). Plaintiff shall limit the contents and arguments of its surreply to the issues contained in paragraph “B” of defendant's reply – namely, the existence of a “Non-Waiver Agreement,” attached as Exhibit E to defendant's reply, and the arguments defendant raises in relation to this agreement.

IT IS SO ORDERED.

Dated this 23rd day of March, 2007, at Topeka, Kansas.

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