

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

AMP MANAGEMENT, LLC, d/b/a
The Red Carpet Inn & Suites,

Plaintiff,

vs.

Case No. 06-4079-SAC

SCOTTSDALE INSURANCE COMPANY,

Defendant.

MEMORANDUM AND ORDER

This case comes before the court on defendant's motion for reconsideration of the court's order which dismissed plaintiff's case without prejudice for failing to show its capacity to bring claims in this court.

Plaintiff contends that reconsideration is necessary to correct clear error and to prevent manifest injustice.

Plaintiff does not allege any factual or legal error by the court but rather admits its own clear error in failing to attach relevant documents to its previous pleading. Although the dismissal was without prejudice, plaintiff contends that because the statute of limitations has now run, the dismissal, based on a "mere technicality," causes manifest injustice to

plaintiff.

For the reasons set forth in defendant's memorandum in opposition to the motion to reconsider (Dk. 35) plaintiff's motion is denied.

Dated this 4th day of April, 2007, Topeka, Kansas.

s/ Sam A. Crow

Sam A. Crow, U.S. District Senior Judge