

DJW/bh

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

AMERICAN PLASTIC EQUIPMENT, INC.,

Plaintiff,

Civil Action

v.

No. 07-2253-DJW

TOYTRACKERZ, LLC, et al.,

Defendants.

NOTICE AND ORDER TO SHOW CAUSE

TO THE PLAINTIFF AMERICAN PLASTIC EQUIPMENT, INC.:

On March 31, 2008, the Court entered an Order (doc. 44) dismissing with prejudice Counts II-IX of Plaintiff's Complaint. On that same date, the Court entered a second Order (doc. 45) granting Plaintiff leave to file an amended copyright infringement claim (Count I). On April 9, 2008, Plaintiff filed a First Amended Complaint (doc. 49), in which it pled its modified copyright infringement claim. Plaintiff also reasserted, in Counts now denominated II-X, the very same claims that were dismissed on March 31, 2008, and which Plaintiff was never granted leave to reassert.

IT IS THEREFORE ORDERED that Plaintiff American Plastic Equipment, Inc. is required to show cause, in a pleading filed by **August 13, 2008**, why Counts II-X of its First Amended Complaint (doc. 49) should not be stricken.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 29th day of July 2008.

s/ David J. Waxse

David J. Waxse
U.S. Magistrate Judge

cc: All counsel and pro se parties