

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

|                              |   |                      |
|------------------------------|---|----------------------|
| THE BENNINGTON STATE BANK,   | ) |                      |
| Plaintiffs,                  | ) |                      |
|                              | ) |                      |
| v.                           | ) | Case No. 07-4021-JAR |
|                              | ) |                      |
| KAN-TEX CULINARY, LLC et al, | ) |                      |
| Defendants.                  | ) |                      |

**ORDER**

This matter comes before the court upon the oral motion of defendants KAN-TEX CULINARY, LLC, KAN-TEX STEAKHOUSE, INC., and Leonard H. Hammer Jr.'s ("KAN-TEX defendants"), raised during the parties' telephone scheduling conference on May 16, 2007. Pursuant to agreement by the parties during their telephone scheduling conference, including defendant Frazier Brothers Plumbing and Contractors, Inc., the KAN-TEX defendants have up to and including May 29, 2007 to answer or file a responsive pleading to defendant Frazier Brothers Plumbing and Contractors, Inc.'s cross-claim (Doc. 9). As a result of this order, the KAN-TEX defendants Answer to defendant Frazier Brothers Plumbing and Contractors, Inc. (Doc. 25) is not untimely.

IT IS SO ORDERED.

Dated this 16th day of May, 2007, at Topeka, Kansas.

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