

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF KANSAS

MICHAEL LEATHERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08-1213-WEB
	)	
RONALD LEATHERS,	)	
	)	
Defendant /Cross Defendant,	)	
	)	
THERESA LEATHERS,	)	
	)	
Defendant / Cross Claimant,	)	
	)	
JAMES HOLDEN, Trustee of the Dirt	)	
Cheap Mine Trust,	)	
	)	
<u>Defendant / Cross Defendant.</u>	)	

MEMORANDUM AND ORDER

This matter comes before the court on Defendant Theresa Leathers' Motion to Vacate Reference to Magistrate Judge. (Doc. 85). A review of the case shows the original pretrial conference was held on January 16, 2009. On May 13, 2010, this court filed a Memorandum and Order deciding various motions for summary judgment. The case was referred back to the magistrate judge for a pretrial conference and order. The final pretrial conference was held on November 15, 2010.

Theresa Leathers argues that the lack of a pretrial order is delaying the case. This argument is supported by Docket Entry 82, in which Judge Humphreys granted the parties' motion to extend deadlines for filing dispositive motions, until 21 days after entry of the pretrial order. This case is complicated and involves many factual and legal issues. A pretrial conference and order would substantially assist the parties in preparation of dispositive motions

and in preparation of trial.

IT IS THEREFORE ORDERED Theresa Leathers' Motion to Vacate Reference to Magistrate Judge (Doc. 85) is denied.

IT IS FURTHER ORDERED that the pretrial proceedings be completed and a Pretrial Order presented to this court by July 1, 2011.

IT IS SO ORDERED this 24th day of May, 2011.

s/ Wesley E. Brown  
Wesley E. Brown  
Senior United States District Court Judge