

**LAFARGE NORTH AMERICA INC.,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** ) **Case No. 09-1075-JTM**  
 )  
 **BRENEMAN MATERIALS, LLC, et al.,** )  
 )  
 **Defendants.** )  
 )

This matter is before the court on defendant Mary Jean Breneman’s motion “to amend pleadings to require appointment of a receiver if the court finds that fraudulent transfers were made.” Doc. 56. Specifically, Mary Breneman requests “either the joinder of the Estate of Donald Breneman and all other creditors of Breneman Materials, LLC, or appointment of a receiver by the court to administer any transfers set aside by the court for the benefit of all creditors on a pro rata basis. Plaintiff opposes the motion. As explained below, the motion shall be DENIED.

(1) set forth a concise statement of the amendment or leave sought;

(2) *attach the proposed pleading or other document*; and

(3) comply with the other requirements of D. Kan. Rules 7.1 through 7.6.

(Emphasis added). No proposed pleading is attached to the motion and, as noted above, it is not clear what pleading defendant seeks to amend. Accordingly, defendant's "motion to amend" is rejected for failure to comply with D. Kan. Rule 15.1.

Also contained within defendant's five-sentence motion is a request to join "other" parties or appoint a receiver "if the court finds that fraudulent transfers were made." However, defendant provides no information from which the court can determine whether joinder is proper under Fed. R. Civ. P. 19 or 20. Similarly, defendant provides no legal authority nor any factual information from which the court can determine whether a receiver should be appointed. Under the circumstances, defendant Mary Jean Breneman's "motion" shall be DENIED.

**IT IS THEREFORE ORDERED** that defendant Mary Jean Breneman's motion **(Doc. 56)** is **DENIED**.

Dated at Wichita, Kansas this 26th day of July 2010.

S/ Karen M. Humphreys

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KAREN M. HUMPHREYS  
United States Magistrate Judge