

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

LAVERNE STUCKY and SANDY)
STUCKY,)
)
Plaintiffs,)
)
v.)
)
JEFFERY T. OBLANDER and CHERIE)
OBLANDER, et al.,)
)
Defendants.)

Case No. 09-1191-WEB

MEMORANDUM AND ORDER

Plaintiffs Laverne Stucky and Sandy Stucky filed a Motion for Default Judgment (Doc. 31). The defendants were both served on August 9, 2010. On December 10, 2010, this court issued an Order to Show Cause, ordering Jeffery Oblander and Cherie Oblander to show cause why the Motion for Default Judgment should not be granted.

On January 10, 2011, the defendants filed a response in which they set forth many personal reasons for their failure to file an answer to the complaint, including personal loss and a change in residence. Based on the reasons set forth in the response, the court denies the plaintiff's motion for default judgment.

The defendants are hereby ordered to file an answer by February 18, 2011. The answer shall conform to the Federal Rules of Civil Procedure, and this matter will be referred back to Magistrate Judge Humphreys for pretrial matters.

IT IS THEREFORE ORDERED that the Motion for Default Judgment (Doc. 31) is denied.

IT IS FURTHER ORDERED the defendants shall file an answer by February 18, 2011.

IT IS SO ORDERED this 28th day of January, 2011.

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