

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

IOWA NETWORK SERVICES, INC.,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	Case No. 09-2393-CM
SPRINT COMMUNICATIONS)	
COMPANY, L.P., SPRINT NEXTEL)	
CORPORATION, SPRINT UNITED)	
MANAGEMENT COMPANY, and)	
SPRINT CORPORATION,)	
)	
Defendants.)	
)	

ORDER

Plaintiff Iowa Network Services, Inc. brings this action against four Sprint companies, claiming that the Sprint companies (Sprint Communications Company, L.P., Sprint Nextel Corporation, Sprint United Management Company, and Sprint Corporation) breached plaintiff's Centralized Equal Access tariffs. Plaintiff characterizes the action as a collection action arising from defendants' failure to pay for services that plaintiff provided to defendants. Defendants filed a motion arguing that two of the defendants—Sprint Nextel Corporation and Sprint Corporation—should be dismissed from the action (Doc. 46). These two companies claim that they have never operated with plaintiff in any manner.

Defendants do not clearly specify the grounds on which they bring their motion. Plaintiff interprets the motion as one alleging misjoinder of parties pursuant to Fed. R. Civ. P. 21. But defendants specifically allege that the action against defendant Sprint Nextel Corporation and Sprint Corporation should be dismissed under *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955 (2007).

All parties attached numerous exhibits to their filings. The court does not believe that it can consider the exhibits without converting defendants' motion to one for summary judgment. *Alvarado v. KOB-TV, LLC*, 493 F.3d 1210, 1215–16 (10th Cir. 2007) (internal citations and quotations omitted). The court therefore gives the parties notice that it intends to convert defendants' motion (Doc. 46) to one for summary judgment. If any party objects to the court's converting defendants' motion to one for summary judgment, that party should file a brief stating its objection on or before January 13, 2010. All parties should also submit any additional materials they deem relevant and probative to the court's determination of the motion as one for summary judgment on or before January 13, 2010.

IT IS SO ORDERED.

Dated this 5th day of January 2010, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge