

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TRI-STATE TRUCK INSURANCE, LTD.,
TST, LTD., and ANDREW B. AUDET,

Plaintiffs,

v.

No. 09-4158-SAC

FIRST NATIONAL BANK OF WAMEGO, *et al*,

Defendants.

MEMORANDUM AND ORDER

Plaintiffs have moved this Court to reconsider its order dated September 24, 2013 to the extent this Court interpreted the Tenth Circuit's order as finding that Wamego may enforce Tri-State's obligations under Loan #5483 irrespective of any personal claims or defenses that Tri-State may have had against Aleritas.

The chief effect of the Court's challenged order is to establish a briefing schedule for the parties to address any issues they demonstrate are included in the pretrial order and are unresolved by previous orders. Plaintiffs' current objections relate to their affirmative defense to Defendants' counterclaim so may be fully addressed by the parties' supplemental summary judgment briefing. But Plaintiffs bear the burden to show where this issue is included in the pretrial order and how it is not necessarily resolved by previous orders before addressing its merits.

Accordingly, no reason to revisit the Court's order of September 24th has been shown.

IT IS THEREFORE ORDERED that Plaintiff's motion for reconsideration (Dk. 145) is denied.

Dated this 9th day of October, 2013, at Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge