

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

BILLY PENNINGTON and
BARBARA J. PENNINGTON,

Plaintiffs,

vs.

Case No. 10-1344-RDR

EQUIFIRST CORPORATION,
et al.,

Defendants.

O R D E R

On December 13, 2010, this court issued an order stating that plaintiffs had not filed a timely response to defendants' motions to dismiss (Doc. Nos. 13, 15, 16, 18, and 29) and granting plaintiffs an additional 10 days to respond or otherwise demonstrate why this case should not be dismissed in accordance with the motions to dismiss or for failure to prosecute. On December 30, 2010, plaintiffs filed a response and opposition to the motions to dismiss which included a motion to amend the complaint. Although plaintiffs' response is untimely on its face, the court will not act upon the motions to dismiss without allowing defendants an opportunity to reply to plaintiffs' response. Defendants have 14 days from December 30, 2010 to file a reply to plaintiffs' response and/or a response to plaintiffs' motion to amend.

IT IS SO ORDERED.

Dated this 4th day of January, 2011 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge