

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

**DZ BANK AG DEUTSCHE ZENTRAL-GENOSSENSCHAFTSBANK,** )  
 )  
 )  
 **Plaintiff,** )  
 )  
 )  
 **v.** )  
 )  
 **ALL GENERAL LINES INSURANCE,** )  
 **LLC, et al.,** )  
 )  
 **Defendants.** )  
 )

**No. 10-2126-CM**

**MEMORANDUM AND ORDER**

On December 5, 2012, plaintiff DZ Bank AG Deutsche Zentral-Genossenschaftsbank (“DZ Bank”), as agent for Autobahn Funding Company LLC (“Autobahn”), filed a motion for summary judgment against pro se defendant Diane Williams (Doc. 121). The response deadline was December 26, 2012. According to the court’s records at that time, it appeared that defendant Williams failed to timely file a response. On February 20, 2013, the court issued a show cause order, requiring defendant Williams to (1) show cause in writing why defendant Williams failed to timely respond to plaintiff’s motion, and (2) file a response (Doc. 127). Defendant Williams was given until March 6, 2013 to comply with the show cause order. According to the court’s records at that time, it again appeared that defendant Williams failed to timely comply.

On March 20, 2013, the court granted summary judgment in plaintiff’s favor against defendant Williams (Doc. 133) and entered judgment in plaintiff’s favor (Doc. 135). On the same date, the court issued a show cause order directing defendant Williams to show good cause in writing on or before April 3, 2013 why her counterclaims should not be dismissed for lack of prosecution (Doc. 137).

At some point after entering the above orders and judgment, the court became aware of several letters and documents that defendant Williams had mailed to the court. It was through no fault of either plaintiff or defendant Williams that the court had not previously been aware of the letters and documents. The letters and documents will be filed following this order.

None of the letters states exactly to which order the letter is meant to address; however, the first (undated) letter does state that defendant Williams wants to clarify “question 12.” It is unclear what “question 12” defendant Williams meant to address. The second letter is dated February 27, 2013. In this letter, defendant Williams states that she was unaware of the need to respond to plaintiff’s motion and she apologizes for her delayed response. A number of documents were attached to this letter. The third letter is dated March 25, 2013, and it references the amount of the judgment entered against defendant Williams on March 20, 2013.

The court will consider the February 27, 2013 letter, along with the attached documents, as a timely response to the court’s February 20, 2013 show cause order. Further, the court finds that defendant Williams has shown good cause for her failure to timely respond to plaintiff’s motion for summary judgment. The court will consider the March 25, 2013 letter as a timely response to the court’s March 20, 2013 show cause order. In addition, the court finds that—in light of her newly-evidenced participation in the case—defendant Williams has shown good cause for her failure to prosecute the counterclaims. The court notes that defendant Williams’s counterclaims remain subject to dismissal on the merits. Plaintiff may file a motion to dismiss or other dispositive motion if it so desires.

In light of the situation described above, the court directs plaintiff and defendant Williams to file briefs discussing how the letters and documents filed by defendant Williams affect the court’s order granting summary judgment (Doc. 133) and entry of judgment in favor of plaintiff (Doc. 135).

Each brief is limited to five pages and is due on or before July 12, 2013. After reviewing the briefs, the court will assess any necessary changes to its order granting summary judgment and entry of judgment.

**IT IS THEREFORE ORDERED** that defendant Williams has shown good cause as to the court's show cause orders (Docs. 127 and 137) and that her letters and documents shall be filed following this order.

**IT IS FURTHER ORDERED** that the plaintiff and defendant Williams are to file briefs discussing how the letters and documents filed by defendant Williams affect the court's order granting summary judgment (Doc. 133) and entry of judgment in favor of plaintiff (Doc. 135). Each brief is limited to five pages and is due on or before July 12, 2013. After reviewing the briefs, the court will assess any necessary changes to its order granting summary judgment and entry of judgment.

Dated this 27th day of June, 2013, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
United States District Judge