

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

QUALITY TIME, INC.,)	
)	
)	
v.)	Case No. 12-1008-JTM-GLR
)	
WEST BEND MUTUAL)	
INSURANCE COMPANY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Court has before it a Motion to Add Party Plaintiff (ECF 25). Plaintiff thereby seeks an order to add Tambra and Jarrod Geldenhuys as plaintiffs. For the following reasons the Court denies the motion.

First, the motion fails to attach or otherwise include any proposed amended complaint to state any claim(s) the additional plaintiffs may have. D. Kan. Rule 15.1.

Second, Plaintiff has pointed to nothing in its initial Petition Pursuant to Chap. 60 (ECF 1-1) that states any claim the additional plaintiffs might have, were they added. Without allegations that they assert a claim against Defendant, their addition as parties for some unspecified reason would simply create confusion without useful purpose.

Third, it appears Plaintiff has sought to correct the procedural deficiencies of its motion. It has more recently filed its Motion for Leave to Amend to Assert Claim for Reformation and Substitute Party (ECF 30). This later motion appears to supercede and moot the former one.

For the foregoing reasons the Court denies the Motion to Add Party Plaintiff (ECF 25). Such denial is without prejudice to the later motion. The Court does not find that the time for briefing it has expired. Accordingly, the ruling here does not address the later motion on its merits.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 15th day of May, 2012.

**s/Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge**