

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

BRAD MOORE, et al.,

Plaintiffs,

v.

THE CLIMATE CORPORATION, et al.,

Defendants.

Case No. 15-4916-DDC-KGS

ORDER

This matter comes before the court on plaintiffs’ Motion to Dismiss defendant Monsanto Company (“Monsanto”) from the lawsuit without prejudice. Doc. 19. Monsanto never responded to this motion, and the time for doing so has expired. *See* D. Kan. R. 6.1(d)(2) (requiring litigants to file responses to motions to dismiss within 21 days). When a party fails to file a response to a motion within the local rule’s time requirements, the court considers and decides the motion as an uncontested one and “[o]rdinarily . . . grant[s] the motion without further notice.” D. Kan. R. 7.4(b).

After reviewing plaintiffs’ motion and considering it an uncontested one, the court, in its discretion, grants plaintiffs’ motion and dismisses Monsanto from the lawsuit without prejudice.

IT IS THEREFORE ORDERED BY THE COURT THAT plaintiffs’ Motion to Dismiss (Doc. 19) is granted. The court dismisses defendant Monsanto Company from the lawsuit without prejudice.

IT IS SO ORDERED.

Dated this 30th day of August, 2016, at Topeka, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge