

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

KRYSTAL MARSHALL and  
MILTON DAVISON,

Plaintiffs,

v.

Case No. 17-1090-JTM-KGG

BREAKING BENJAMIN, *et al.*,

Defendants.

**MEMORANDUM AND ORDER**

This matter is before the court on plaintiffs' Notice of Appeal (Dkt. 12). Out of an abundance of caution, the court will treat this notice as an objection to Magistrate Judge Gale's order of June 8, 2017, denying plaintiffs' motion to amend their complaint. *See* Dkts. 9, 10.

Plaintiffs filed a motion to amend their complaint on June 6, 2017. Dkt. 9. Judge Gale denied the motion on June 8, 2017, pointing out that the local rules of this court require a motion to amend a complaint to include the proposed amended complaint as an attachment. Plaintiffs' motion did not include such an attachment. Judge Gale denied the motion to amend without prejudice, meaning plaintiffs could refile their motion to amend the complaint provided they complied with the rule.

Judge Gale's determination was clearly correct. Rule 15.1(a) of the Rules of Practice for the District of Kansas requires a party filing a motion to amend a pleading to attach the proposed pleading.

**IT IS THEREFORE ORDERED** this 17<sup>th</sup> day of July, 2017, that plaintiffs' Notice of Appeal (Dkt. 12) is considered as an objection to the Magistrate Judge's order of June 8, 2017, and is hereby DENIED.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE