

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MELBA A. TILMON )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No. 17-2396-JAR  
 )  
 POLO RALPH LAUREN FACTORY STORE, )  
 )  
 Defendant. )

**ORDER**

Defendant, Polo Ralph Lauren Factory Store, has filed a motion for leave to file its responsive pleading out of time (ECF No. 23). Plaintiff, Melba A. Tilmon, has not responded to the motion, and the time for doing so has run. Accordingly, the motion is granted as unopposed.

D. Kan. Rule 7.4(b) provides “[i]f a responsive brief or memorandum is not filed within the Rule 6.1(d) time requirements, the court will consider and decide the motion as an uncontested motion. Ordinarily, the court will grant the motion without further notice.” Defendant’s motion for leave was filed on March 16, 2018. Under D. Kan. Rule 6.1(d)(1), any response was required to be filed within 14 days, i.e., by March 30, 2018. No response has been filed. The court considers the instant motion unopposed.

Defendant is directed to file its responsive pleading as a separate docket entry by **April 6, 2018**. Because the responsive pleading is a motion to dismiss, plaintiff should be

guided by D. Kan. Rule 6.1(d)(2) in determining her response deadline.

A copy of this order shall be served on plaintiff by regular mail.

IT IS SO ORDERED.

Dated April 2, 2018, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U. S. Magistrate Judge