

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

PALMER AND DAVID PROPERTIES,
Plaintiff,

vs.

No. 19-1058-JTM

A-1 GARAGE DOOR SERVICES, LLC,
Defendants.

MEMORANDUM AND ORDER

This matter is before the court on defendant A-1 Garage Door Services seeking dismissal of plaintiff's claim for breach of a commercial lease. A-1 argues in its motion (Dkt. 3) that no breach occurred because it met the terms of the lease by making timely payments which cured any default.

The provisions in the lease and the attached documents appear to establish that defendant cured any breach pursuant to Section 14 of the lease. In addition, plaintiff Palmer and David Properties has filed no response to the motion, which is accordingly granted for good cause and pursuant to D.Kan. 7.4.

IT IS ACCORDINGLY ORDERED this 17th day of June, 2019, that the defendant's Motion to Dismiss (Dkt. 3) is granted; defendant's Motion for Judicial Notice (Dkt. 4) is denied as moot.

s/ J. Thomas Marten
J. Thomas Marten, Judge