

CAMI R. BAKER
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**IN THE THIRTEENTH JUDICIAL DISTRICT
DISTRICT COURT OF BUTLER COUNTY, KANSAS
CIVIL DEPARTMENT**

VERN T. PALMER AND PEGGY PALMER,)
AS TRUSTEES OF THE PALMER FAMILY TRUST;)
NORBERT SUTHER AND SHIRLEY SUTHER, AS)
TRUSTEES OF THE SUTHER FAMILY REVOCABLE TRUST;)
DAWNA K. ELDRINGHOFF; KOLENE J. LUPER, AS TRUSTEE)
OF THE KOLENE JEAN LUPER REVOCABLE TRUST;)
DANIEL J. OHL; JANET S. OHL; TIM W. LARSON;)
HEATHER D. LARSON; TANYA A. NUESSEN;)
LONDON C. RIGGS; ASHLEY RIGGS;)
PAUL W. WILCOX AND JUDY M. WILCOX, AS TRUSTEES OF)
THE WILCOX FAMILY REVOCABLE TRUST)

vs.)

Case No. 2016 CV 299)

L.A. KNEBLER ADDITION HOMEOWNERS ASSOCIATION;)
MARY ELLEN NUSZ; H.D. HODGE; JANE E. HEISE;)
THOMAS D. REILING; LOLITA ZERBE; SHIRLEY A STEWART;)
GORDON R. MACPHAIL; MELODY L. GAULT; W.K. SHRIVER;)
ABBY BRYAN; DAVE MATTINGLY; SHARLA KELLER;)
PAUL D. CAUTHRON; ROBERT D. GRIFFITH;)
DEEANN BISAGNO; JANELLE LEDGERWOOD;)
JOZETTE J. PATTERSON; GARY L. THOMAS;)
MICHELE A. RIDDER; ASHLEY SWEATS; TOM FINGER;)
A.J. KIRK; WALTER L. SHARP; CRAIG A. SHARP;)
ANTHONY J. NUESSEN; DENISE L. ROCKERS)

Pursuant to K.S.A. Chapter 60

MOTION TO DISMISS

COMES NOW, the Defendants, by and through their counsel, Cami R. Baker, of the law offices of Cami R. Baker & Associates, P.A. and respectfully move this Court for an Order

dismissing this action.

IN SUPPORT WHEREOF, Defendants state to the Court as follows:

1. The Pre Trial Conference originally scheduled in this matter for March 27, 2017 was continued to April 13, 2017. Plaintiffs' attorney, John B. Barrett, then filed a Motion to withdraw as Plaintiffs' attorney on April 3, 2017. Plaintiffs' brief was due May 5, 2017 and not filed.

2. The Pre Trial Conference was continued from April 13, 2017 to June 15, 2017 due to Plaintiffs requesting time to hire new counsel. Such was then continued again at Plaintiffs' request to August 21, 2017. On or about August 18, 2017, Plaintiffs called the Court and cancelled the Pre Trial Conference.

3. Plaintiffs still have not retained new counsel nor taken any action to pursue this matter for over five (5) months.

4. Defendants continue to incur legal fees and expenses for an action that is not being pursued; Defendants request this action be dismissed for lack of prosecution pursuant to K.S.A. 60-241(b).

WHEREFORE, Defendants request the Court grant an Order dismissing this action; and for such other and further relief as the Court deems just and equitable.

CAMI R. BAKER & ASSOCIATES, P.A.
Attorneys for Defendants

By



CAMI R. BAKER, #16147

NOTICE OF HEARING

Please take notice that the foregoing *Motion to Dismiss* will be heard on **November 20, 2017** at **11:00 a.m.** before Judge Charles M. Hart at the Butler County Judicial Center, 201 W Pine, El Dorado Kansas.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing *Motion to Dismiss* was mailed, first class, postage prepaid, this 22nd day of September, 2017, addressed to the Plaintiffs as listed in the Plaintiffs' Petition, and in Plaintiffs' attorney's Motion to withdraw, with typographical errors corrected in bold, as follows:

Vern T. Palmer
5 E Flanigan Drive
Augusta KS 67010

Peggy Palmer
5 E Flanigan Drive
Augusta KS 67010

Palmer Family Trust
5 E Flanigan Drive
Augusta KS 67010

Norbert Suther
2 N Taylor Ave
Augusta KS 67010

Shirley Suther
2 N Taylor Ave
Augusta KS 67010

Suther Family Rev. Trust
2 N Taylor Ave
Augusta KS 67010

Dawna K. Eldringhoff
8 E Flanigan Court
Augusta KS 67010

Kolene J. Luper
6 E Flanigan Drive
Augusta KS 67010

Kolene Jean Luper Rev. Trust
6 E Flanigan Drive
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Daniel J. Ohl, deceased
13 E Taylor Ave
Augusta KS 67010

Janet S. Ohl
13 E Taylor Ave
Augusta KS 67010

Tim W. Larson
11 N Taylor Ave
Augusta KS 67010

Heather D. Larson
11 N Taylor Ave
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Landon C. Riggs
4 E Flanigan Drive
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Ashley Riggs
4 E Flanigan Drive
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Paul W. Wilcox
4 N Flanigan Court
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Judy M. Wilcox
4 N Flanigan Court
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