

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

SPRINT COMMUNICATIONS CO., L.P.,

Plaintiff,

v.

Case No. 05-2433-JWL-DJW

VONAGE HOLDINGS CORP., et al.,

Defendants.

ORDER

A pretrial conference was held in this matter by telephone on May 9, 2007. During the conference, the Court denied Vonage's Motion to Amend Answer to assert a new affirmative defense. After the conference, the Court entered an Order memorializing this ruling.¹

During the conference, the Court also ordered the parties to make various revisions to the proposed pretrial order and to submit the revisions to the Court by May 14, 2007. As part of these revisions, and based on the Court's decision to deny Vonage's Motion to Amend Answer to include a new affirmative defense, the Court ordered Vonage to delete all references in the revised pretrial order to the new affirmative defense proposed by the Motion to Amend Answer.

The Court timely received the revised pretrial order on May 14, 2007. Although Vonage deleted all references to the Motion to Amend as a pleading, the revised order continued to reflect substantive assertions based on the proposed affirmative defenses. Sprint indicated in the revised order that it objects to any reference to these affirmative defenses, as they have not been appropriately pled.

¹May 14, 2007 Order (doc. 192).

The Court agrees with Sprint. Accordingly, and based on the Court's decision to deny Vonage's Motion to Amend Answer to add a new affirmative defense, the Court has further revised the pretrial order by deleting any and all references by Vonage to the affirmative defense and by deleting all related objections lodged by Sprint.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 16th day of May, 2007.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

cc: All counsel and *pro se* parties