

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Bretland R. Lawrence and Alisha
Lawrence,

Plaintiffs,

vs.

Case No. 13-2102-JTM

Robert O. Gaarder and Dibben Land and
Cattle Inc.,

Defendants.

MEMORANDUM AND ORDER

On June 1, 2010, according to his Complaint in this action, plaintiff Bretland Lawrence suffered injuries when his car was struck by a semi-truck driven by Robert Gaarder and owned by Dibben Land and Cattle, Inc. in Geary County, Kansas. Lawrence seeks to recover for his personal injuries, including “impaired mobility, mental anguish, pain, disability, trauma and emotional and mental distress,” as well as “a loss of ability to enjoy life, lost opportunities and loss of enjoyment of life,” and “substantial expenses” for medical care. (Dkt. 1 at ¶ 28, 29).

The Complaint also includes some claims brought on behalf of Lawrence’s wife Alisha, for out-of-pocket medical expenses (*id.* at ¶ 30, 41, 48, 57), loss of consortium (*id.* at

¶ 52), and the value of her nursing services. Alisha Lawrence was not present at the accident.

The defendants have moved to dismiss the claims of Alisha Lawrence for lack of prosecution.

Both Bretland and Alisha Lawrence were originally represented by three attorneys. Two of these attorneys sought leave to withdraw after Alisha Lawrence refused to discuss the case with them, and moved to an unknown address. (Dkt. 31). The court granted leave to withdraw. (Dkt. 34). A copy of this Memorandum and Order was sent by certified mail to her last known address. The notice was returned unclaimed. (Dkt. 35).

The remaining attorney sought leave to withdraw, representing that Alisha Lawrence “has not cooperated with the prosecution of the case” and had not responded to any attempts at communication. (Dkt. 37). The court granted leave to withdraw. (Dkt. 40).

The matter is now before the court on the defendants’ motion to dismiss Alisha Lawrence’s claims for lack of prosecution. The motion notes that Alisha Lawrence failed to appear at the scheduled February 20, 2014 deposition. (Dkt. 48).

Alisha Lawrence has filed no response to the defendants’ motion. Bretland Lawrence, who is represented by counsel and continues to actively prosecute his claims, has filed no opposition to the motion. Accordingly, for good cause shown and pursuant to D.Kan.R. 7.4, the defendants’ Motion to Dismiss (Dkt. 48) is hereby granted.

IT IS SO ORDERED this 8th day of April, 2014.

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