

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

HAROLD T. FORTNER,)
)
Plaintiff,)
)
v.)
)
JACK G. HANSEN,)
)
Defendant.)
_____)

Case No. 16-2672-CM

MEMORANDUM AND ORDER

Plaintiff Harold Fortner, a contract carpenter, brings this personal injury claim against defendant Jack Hansen, his contract employer. The case is before the court on Defendant Jack G. Hansen’s Motion for Leave to File First Amended Answer Out of Time (Doc. 37). Defendant asks the court to allow him to amend his answer to remove an admission that “[Defendant] hired both [plaintiff] and [John D.] Howland to tear down and rebuild a room” Plaintiff relies on this admission as evidence that Howland was employed by defendant—not by plaintiff.

At this stage in the litigation, defendant’s motion is unnecessary. The court has entered the pretrial order. Once entered, the pretrial order controls the course of the case. *Wilson v. Muckala*, 303 F.3d 1207, 1216 (10th Cir. 2002) (“When an issue is set forth in the pretrial order, it is not necessary to amend previously filed pleadings’ because ‘the pretrial order is the controlling document for trial.’”) (citations omitted). The pretrial order contains defendant’s position on the employment of Howland. (Doc. 31, at 4 (“[Defendant] did not hire Howland”).) Defendant’s answer has been superceded by the pretrial order, and it is therefore unnecessary for defendant to amend his answer.

IT IS THEREFORE ORDERED that Defendant Jack G. Hansen’s Motion for Leave to File First Amended Answer Out of Time (Doc. 37) is denied.

Dated this 30th day of October, 2017, at Kansas City, Kansas.

Carlos Murguia
CARLOS MURGUIA
United States District Judge