

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

**MARK SAUNDERS, (deceased), and  
THE ESTATE OF MARK SAUNDERS (deceased),  
and PAMELA SAUNDERS AS HEIR OF  
MARK SAUNDERS (deceased),**

**Plaintiffs,**

**vs.**

**Case No. 04-4123-SAC**

**THE BOARD OF COUNTY COMMISSIONERS  
OF ELLSWORTH COUNTY, KANSAS, et al.**

**Defendants.**

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**ORDER**

This matter comes before the court upon defendants' motion for an order requiring the Kansas Department of Corrections to produce the employment records of plaintiff, Mark Saunders, deceased, pursuant to K.A.R. 1-13-1a (Doc. 89). Defendants indicate in their motion that plaintiffs have been consulted with regard to the instant motion and have no objection to it being granted.

Defendants represent to the court that a subpoena duces tecum was served upon the administration of the Kansas Department of Corrections' Ellsworth Correctional Facility seeking the employment files of Mark Saunders. Defendants further represent to the court that the Kansas Department of Corrections has responded to the subpoena indicating that it will only release the records in response to a court order pursuant to K.A.R. 1-13-1a.

K.A.R. 1-13-1a addresses the “[c]ontent and disclosure of information in employees’ official personnel records” and provides in relevant part:

(j) The official personnel record of any specifically named employee shall be made available for inspection in connection with litigation, pursuant to the terms of an order entered by a judge of any federal, state, or municipal court properly having jurisdiction over such litigation.<sup>1</sup>

The court finds that the records requested in this instance fall within the scope of matters properly discoverable in this case pursuant to Fed. R. Civ. P. 26(b) in that they appear “relevant to the subject matter involved in the action” and their discovery appears “reasonably calculated to lead to the discovery or admissible evidence.”<sup>2</sup> The court, therefore, finds there to be good cause to support the granting of defendants’ motion and the issuance of the order for production of records therein requested. Accordingly,

**IT IS ORDERED** that defendants’ motion for an order requiring the Kansas Department of Corrections to produce the employment records of plaintiff, Mark Saunders, deceased, pursuant to K.A.R. 1-13-1a (Doc. 89) is hereby granted.

**IT IS FURTHER ORDERED** that the Kansas Department of Corrections, upon request, shall make the employment records of plaintiff Mark Saunders, deceased, available for inspection and copying by any of the parties to this litigation and/or, if logistically feasible, shall provide any of the parties to this litigation with copies of these same records, at the requesting party’s expense.

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<sup>1</sup> Kan. Admin. Regs. 1-13-1a.

<sup>2</sup> Fed. R. Civ. P. 26(b)(1).

**IT IS SO ORDERED.**

Dated this 13th day of June, 2005, at Topeka, Kansas.

s/K. Gary Sebelius  
K. Gary Sebelius  
United States Magistrate Judge