

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOAN FUSCO,

Plaintiff,

v.

INSURANCE PLANNING CENTER,

Defendant.

No. 05-1245-WEB

Order

This matter came before the court on May 10, 2007, for a status conference and consideration of IPC's Motion for an Order to Show Cause (Doc. 110). This written order will supplement the court's oral ruling at the status conference.

The court has reviewed the arguments relating to the failure of Mr. Snook and the plaintiff to abide by Magistrate Judge Bostwick's discovery order. Rule 37(b)(2) provides that in such circumstances the court "may make such orders in regard to the failure as are just,..." The court informed counsel at the status hearing that its review indicated the failure was inadvertent and did not result in any prejudice to the defendant. The court stated that it would conduct an evidentiary hearing on the matter if requested; no hearing was requested. Instead, the court granted the defendant's request for leave to conduct a limited supplemental deposition of Ms. Fusco relating to her knowledge or use of the IPC activity log.

Accordingly, defendant IPC's Motion for an Order to Show Cause (Doc. 110) is DENIED. IPC is granted leave to conduct the deposition referred to above. IT IS SO ORDERED this 11th Day of May, 2007, at Wichita, Ks.

s/Wesley E. Brown
Wesley E. Brown
U.S. Senior District Judge