

DJW/bh

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

**CREATIVE CONSUMER CONCEPTS, INC.,**

**Plaintiff,**

**CIVIL ACTION**

**v.**

**No. 05-2045-CM-DJW**

**LAURA KREISLER,**

**Defendant.**

**ORDER**

A telephone hearing was held on August 16, 2005 regarding Defendant's Motion to Compel (doc. 32). Plaintiff appeared through counsel Sharon A. Coberly. Defendant appeared through counsel Richard D. Dvorak. This Order will memorialize and supplement the Court's oral ruling.

The Court grants Defendant's Motion to Compel as to depositions. Although the Amended Scheduling Order (doc. 33) sets a September 14, 2005 deadline for completing discovery regarding the validity of the release, that deadline is not intended to be a limitation on the scope of discovery. Depositions taken before that deadline are therefore not limited to issues relating to the validity of the release. Consequently, Plaintiff's counsel may not instruct deposition witnesses not to answer questions on the basis that the questions relate to matters other than the validity of the release. The Court also grants Defendant's Motion to Compel as to the requests for production at issue. Counsel for the parties shall confer and attempt to agree as to what document requests need to be answered prior to the September 28, 2005 evidentiary hearing regarding the validity of the release. Counsel shall advise the Court by **August 23,**

**2005** whether they have resolved the issues relating to the outstanding document requests.<sup>1</sup> If they have not resolved all issues, they shall notify the Court as to which issues are outstanding.

The Court does not find an award of sanctions to be appropriate under the circumstances. Accordingly, the Court rules that each party shall bear its/her own fees and expenses incurred in connection with this motion.

IT IS THEREFORE ORDERED that Defendant's Motion to Compel (doc. 32) is granted.

IT IS FURTHER ORDERED that counsel for the parties shall advise the Court by **August 23, 2005** whether they have resolved the issues relating to the outstanding document requests.

IT IS FURTHER ORDERED that each party shall bear its/her own fees and expenses incurred in connection with this motion.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 16th day of August, 2005.

s/ David J. Waxse  
David J. Waxse  
U.S. Magistrate Judge

cc: All counsel and *pro se* parties

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<sup>1</sup>The parties shall so advise the Court via an e-mail message sent to [ksd\\_waxse\\_chambers@ksd.us.courts.gov](mailto:ksd_waxse_chambers@ksd.us.courts.gov).