

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

RICKY S. JOHNSON, et al.,

Plaintiffs,

v.

Case No. 05-2093-JWL-DJW

KRAFT FOODS NORTH AMERICA, et al.,

Defendants.

MEMORANDUM AND ORDER

On November 14, 2006 (doc. 162), the Court granted in part and denied in part Plaintiffs' Motion to Compel. In conjunction with this Order, the Court directed Defendants to show cause why they and/or their counsel should not be required to pay the reasonable expenses and attorney fees incurred by Plaintiffs in making the Motion to Compel.

Defendant has submitted its response to the show cause order and Plaintiffs have filed a brief in reply. Upon consideration of the circumstances set forth in the briefing, the Court hereby takes under advisement the issue of sanctions pending completion of discovery. This ruling is made with the understanding that if there are no further reasons to sanction Defendants, no sanctions in conjunction with this Motion to Compel ultimately will be imposed. If, however, Defendants engage in additional sanctionable conduct between now and the close of discovery, the Court will impose sanctions in conjunction with the Motion to Compel as well as the additional sanctionable conduct.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 14th day of December, 2006.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

cc: All counsel and *pro se* parties