

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

HARVEST MEAT COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-2122-KHV
)	
ROBERTS DAIRY COMPANY,)	
)	
Defendant.)	

ORDER

This matter comes before the court for the consideration of sanctions to be awarded to Plaintiff as a result of the court’s grant of Plaintiff Harvest Meat Company’s Motion to Compel (Doc. 41).

On December 19, 2005, the court granted in part and denied in part Plaintiff’s Motion to Compel (Doc. 41). In its order, the court ordered Defendant Roberts Dairy Company to Show Cause to the court on or before December 30, 2005, why Defendant and/or Defendant’s counsel should not be taxed with the Plaintiff’s reasonable attorney’s fees and expenses in filing its Motion to Compel. Additionally, the court ordered Plaintiff to submit a verified accounting of its reasonable fees and expenses for which it sought recovery on or before December 30, 2005.

On December 27, 2005, the parties e-mailed the court, stating that, “[T]he parties have conferred and agreed upon an amount which defendant will pay to plaintiff for plaintiff’s reasonable attorney’s fees and expenses for the motion to compel.”

In light of the parties’ apparent agreement on the costs issue, the court finds that Plaintiff and

Defendant are relieved of their obligations as set forth in the court's Order Granting in Part and Denying in Part Plaintiff's Motion to Compel (Doc. 41). Accordingly, no monetary sanctions will be imposed by the court at this time.

IT IS SO ORDERED.

Dated this 28th day of December, 2005, at Topeka, Kansas.

s/ K. Gary Sebelius

K. Gary Sebelius

U.S. Magistrate Judge