

DJW/bh

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

**MEITLER CONSULTING, INC.,**

**Plaintiff,**

**CIVIL ACTION**

**v.**

**No. 05-2126-JWL-DJW**

**GARY L. DOOLEY, et al.,**

**Defendants.**

**ORDER**

A telephone motion hearing was held on September 27, 2005 regarding Plaintiff's Motion to Compel and for Discovery Sanctions (doc. 25). Plaintiff appeared through counsel David A. Rameden. Defendant Gary L. Dooley appeared pro se. This Order will memorialize the Court's oral rulings.

For good cause shown, the Court granted Plaintiff's Motion to Compel. Defendant shall produce to Plaintiff the requested telephone records on or before **October 11, 2005**, or file a pleading by that same date explaining why any of the requested phone records, which were subject to the Court's May 5, 2005 Order (doc. 9) and May 19, 2005 Order (doc. 13) to preserve evidence, are not being produced.

In addition, Defendant is to advise Yahoo! to provide him with any records subpoenaed by Plaintiff. On or before October **27, 2005**, Defendant shall provide to Plaintiff all such records unless he asserts an objection to the production of those records. Any and all objections shall be made in writing and shall be served on Plaintiff by **October 27, 2005**.

The Court denied Plaintiff's request for sanctions in light of Defendant's pro se status and his inability to understand his discovery obligations. Defendant was advised, however, that sanctions may be considered in connection with any future motions to compel, now that his obligations have been clarified.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Compel (doc. 25) is granted as set forth herein.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Discovery Sanctions (doc. 25) is denied.

**IT IS SO ORDERED.**

Dated in Kansas City, Kansas on this 29th day of September 2005.

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

cc: All counsel and *pro se* parties