

GLR/byk

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

XCALIBER INTERNATIONAL
LIMITED LLC ,

Plaintiff,

CIVIL ACTION

v.

No. 05-2261-JWL

PHILL KLINE,
in his official capacity as Attorney General,
State of Kansas,

Defendant.

ORDER

This matter comes before the Court on Plaintiff's Motion to Compel (doc. 49). Plaintiff requests an order compelling Defendant to respond to Plaintiff's First Set of Interrogatories and First Set of Requests for Production to Defendant, served respectively on August 16, 2005 and September 21, 2005. In support of its motion, Plaintiff states that it has made multiple attempts to confer with Defendant in an effort to resolve the dispute short of the Court's intervention.

Defendant has file no response in opposition to the Motion to Compel within the time permitted by D. Kan. Rule 6.1(d)(1). The Court will therefore grant the motion pursuant to D. Kan. Rule 7.4.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (doc. 49) is granted. Within **ten (10) days** of the date of this Order, Defendant shall serve its responses to Plaintiff's First Set of Interrogatories and shall produce all documents responsive to Plaintiff's First Set of Requests For Production to Defendant.

Dated in Kansas City, Kansas, this 10th day of January, 2006.

s/ Gerald L. Rushfelt

Gerald L. Rushfelt
United States Magistrate Judge

cc: All counsel