IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

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DEREK SUNDERMAN,
Plaintiff,
v.
WESTAR ENERGY, INC.,
Defendant.

No. 05-2347-CM

MEMORANDUM AND ORDER

This case is before the court on Plaintiff's Motion for Leave to File Response Under Seal (Doc. 53). In the motion, plaintiff's counsel contends that the response to the court's order on October 24, 2006 contains materials that are "privileged and confidential." Accepting this representation, the court grants the motion. *See Pflum v. U.S.*, 2000 WL 1466194, at *5 (D. Kan. July 6, 2000) ("Accepting Pflum's representation that the attached documents are sensitive . . . , the court grants him leave to file them under seal for purposes of only this particular case.") Because plaintiff filed the motion on the deadline provided in the October 24, 2006 order without filing a motion for extension of time, and because plaintiff implies that the materials to be filed are prepared, the court establishes November 3, 2006 as the deadline to file the response under seal.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Leave to File Response Under Seal (Doc. 53) is granted.

IT IS FURTHER ORDERED that plaintiff file his response complying with the October 24,

2006 order by November 3, 2006.

Dated this <u>2nd</u> day of November 2006, at Kansas City, Kansas.

<u>\s\ Carlos Murguia</u> CARLOS MURGUIA United States District Judge