

Before this court is a serious issue: whether plaintiff's case should be dismissed because plaintiff has not paid his June 12, 2006 sanction, among other things. If the court finds that

dismissal is appropriate, it will be unnecessary for defendant to take plaintiff's deposition. In light of the issue before the court and the procedural posture of the case, the court finds that expedited briefing on defendant's motion to reconsider is appropriate. Plaintiff shall respond to defendant's motion and provide defendant with a copy of plaintiff's sealed response to the court's order on or before Monday, November 13, 2006. **The court will not consider an untimely response.**

Defendant may reply on or before Tuesday, November 14, 2006.

The court advises plaintiff that unless he demonstrates to the court that dismissal is not appropriate for his continued failure to pay the sanction, as well as his other conduct in this case, the court is prepared to dismiss this case without further notice. There is no need for plaintiff to resubmit the information the court already has under seal.

IT IS THEREFORE ORDERED that briefing on Defendant Westar Energy, Inc.'s Motion to Reconsider the Court's October 24, 2006 Memorandum and Order (Doc. 55) is expedited. Plaintiff shall respond to defendant's motion and provide defendant with a copy of plaintiff's sealed response to the court's order on or before Monday, November 13, 2006. Defendant may reply on or before Tuesday, November 14, 2006.

Dated this 9th day of November 2006, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge