

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LOHMANN & RAUSCHER, INC.,

Plaintiff,

v.

Case No. 05-2369-JWL-GLR

YKK (U.S.A.), INC.,

Defendant.

ORDER

The Court has before it two motions: Plaintiff's Motion to Compel Supplementation by Defendant of Its Disclosures and Prior Discovery Responses (doc. 46) and Defendant's Motion to Extend Deadline for Expert Witness Reports (doc. 59). After reviewing the motions and briefs of the parties, the Court finds that the motion to compel is untimely by virtue of D. Kan. Rule 37.1(b). On April 17, 2006, defendant served its responses to interrogatories, requests for production, and requests for admissions. Plaintiff filed its motion September 14, 2006, long after the period of 30 days provided by the rule.

The Court nevertheless sustains in part the motion to compel as follows: Fed. R. Civ. P. 26(e) grants to the Court discretion to require a party to supplement responses to discovery with or without a motion. Having reviewed the motion to compel and the briefing of the parties, the Court finds that on or before **December 4, 2006**, defendant should supplement its responses to Plaintiff's First Request for Production of Documents, requests 3 through 13, by showing that it has produced all responsive documents within its custody, control, or

possession or has otherwise withheld production to the extent that any such documents are identified in the privilege log it has served upon plaintiff. The Court otherwise overrules the motion to compel.

The Court finds that the Motion to Extend Deadline for Expert Witness Reports (doc. 59) for good cause should be sustained and that the deadline for defendant to serve its expert witness reports should be and is hereby extended to and including **December 15, 2006**.

IT IS SO ORDERED

Dated this 14th day of November 2006, at Kansas City, Kansas.

s/ Gerald L. Rushfelt

Gerald L. Rushfelt

U.S. Magistrate Judge

cc: All counsel