

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BARBARA G. MCCORMICK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-2429-KHV
)	
MEDICALODGE INC., et al.,)	
)	
Defendants.)	

ORDER

On November 2, 2006, the undersigned U.S. Magistrate Judge, James P. O'Hara, conducted a telephone conference in this case. The conference was convened in response to a telephone call from counsel regarding a dispute which had arisen during the deposition of Larie Glynn, a non-party witness (*see* doc. 37). Plaintiff appeared at the conference through her counsel of record, David A. Lunceford. Defendants appeared through their counsel of record, S. Douglas Mackay. Ms. Glynn appeared through her counsel, Mark A. Jess.

After discussions with counsel on the record during the conference, the court ruled follows:

a. The court recessed Ms. Glynn's deposition, subject to the parties' agreeing to reschedule the deposition, or a court order. The parties and Ms. Glynn shall file any motions arising from the deposition, pursuant Fed. R. Civ. P. 30(d)(4), by **12:00 noon**,

November 6, 2006. Responses shall be filed by **12:00 noon, November 8, 2006**, and replies (if any) shall be filed by **12:00 noon, November 10, 2006**. Especially given the nature of the statements made by counsel during the status conference, the court respectfully urges the parties and Ms. Glynn (and their respective counsel) to fully evaluate and consider their positions as well as the possible consequences before filing any such motions.

b. Plaintiff's motion to amend (**doc. 28**) is denied, without prejudice, for failure to comply with D. Kan. Rule 15.1. Plaintiff may refile her motion in compliance with the applicable rules, i.e., D. Kan. Rule 15.1, Fed. R. Civ. P. 15(a) and Fed. R. Civ. P. 16(b). Any such motion by plaintiff shall be filed by **12:00 noon, November 6, 2006**. Any response shall be filed by **12:00 noon, November 8, 2006**, and any reply shall be filed by **12:00 noon, November 10, 2006**.

c. Plaintiff's motion for protective order (**doc. 43**) is denied for failure to show good cause with any reasonable degree of specificity. If the parties can agree upon a jointly proposed protective order, and hopefully they will, their counsel shall submit to proposed order (formatted in WordPerfect 9.0, or earlier version) as an attachment to an Internet e-mail sent to ksd_ohara_chambers@ksd.uscourts.gov. The proposed protective order shall include, in the first paragraph, a concise but sufficiently specific recitation of the particular facts in this case that would provide the court with an adequate basis upon which to make the required finding of good cause pursuant to Fed. R. Civ. P. 26(c). Should the parties disagree concerning the need for, and/or the scope or form of a protective order, the party or parties seeking such an order shall file an appropriate motion and supporting

memorandum by **12:00 noon, November 6, 2006**. Any response shall be filed by **12:00 noon, November 8, 2006**, and any reply shall be filed by **12:00 noon, November 10, 2006**.

d. The court defers ruling on plaintiff's motion for an extension to complete discovery (**doc. 39**), until all responsive briefs have been filed. However, the court strongly urges the parties to confer and if possible, submit a proposed agreed order extending the discovery deadline.

e. As reflected by a separate order (doc. 45), the court granted plaintiff's motion (doc. 31) for a briefing extension with regard to the pending motion to dismiss (doc. 19).

The Clerk of the Court shall electronically serve Mr. Jess with a copy of this order.

IT IS SO ORDERED.

Dated this 3rd day of November, 2006, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge