

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

DONALD L. BROWNLOW,

Plaintiff,

vs.

Case No. 05-4072-JAR

JOBBER'S AUTOMOTIVE WAREHOUSE,  
INC., d/b/a KANSAS AUTOMOTIVE,  
INC.,

\_\_\_\_\_  
Defendant.

**ORDER**

This matter is before the Court on plaintiff's motion for in camera review (Doc. 12). Plaintiff's motion requests this Court to order the Kansas Human Rights Commission ("KHRC") to produce to a copy of the KHRC's investigative file pertaining to charges filed by plaintiff Donald L. Brownlow against defendant Jobbers Automotive Warehouse, Inc., d/b/a Kansas Automotive, Inc., KHRC Case No. 28759-05, for the Court's review; review the KHRC's file to determine which documents are appropriate for release to the parties, and then order production of those documents.

Plaintiff's motion is silent with regard to whether defendant was contacted or has stated any position regarding the instant motion. In the interest of efficiency, the Court has contacted defendant's counsel and been informed that it does not oppose plaintiff's motion. While the Court has taken this action in this instance, it is plaintiff's obligation to confer with opposing counsel prior to filing this type of motion, and the Court will expect plaintiff to confer prior to the filing of any similar motion in the future.

Having reviewed plaintiff's motion, the Court finds that the documents plaintiff seeks appear to be relevant and discoverable. As such, the Court will grant

plaintiff's motion, but modify the procedures for production to conform to the Court's standard procedure for production of documents from the KHRC.

**IT IS THEREFORE ORDERED** that plaintiff's motion for in camera review (Doc. 12) is hereby granted, with modifications as set forth hereinafter.

**IT IS FURTHER ORDERED** that the KHRC shall produce to any party to this action, or any attorney representing such a party, a copy of its investigative file pertaining to charges filed by plaintiff Donald L. Brownlow against defendant Jobbers Automotive Warehouse, Inc., d/b/a Kansas Automotive, Inc., KHRC Case No. 28759-05, except such portions thereof which may be of a deliberative or conciliatory nature or attorney work product of the KHRC's legal staff. The KHRC is ordered to allow copies of the same to be made at the expense of the party receiving such production. Should the KHRC consider that any items to be of a deliberative or conciliatory nature or attorney work product of the KHRC's legal staff, copies of such items shall be forwarded to the undersigned judge for in camera inspection within 15 days of the date of this order. A brief summary of the documents submitted to the court shall be served on all parties in this case.

**IT IS SO ORDERED.**

Dated this 5th day of January, 2006, at Topeka, Kansas.

s/ K. Gary Sebelius

K. Gary Sebelius  
U.S. Magistrate Judge

cc: All counsel and the KHRC