

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

C.T.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-2093-JWL
)	
LIBERAL SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	
_____)	
G.B.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-2360-JWL
)	
LIBERAL SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	
_____)	
J.B.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-2359-JWL
)	
LIBERAL SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	
_____)	

ORDER

This matter comes before the court upon defendants Liberal School District USD #480, Gary Cornelson, Tom Scott, David Webb, Jim Little, and Mike Pewthers’ (“defendants”)¹ Motion to Compel (Doc. 193) as to discovery requests specifically articulated in their Memorandum in Support

¹While these cases involve other defendants, for the purposes of this motion, the court will describe these specified defendants as “defendants.”

(Doc. 194). Plaintiffs have not filed a response and, pursuant to D. Kan. 6.1(d)(1), the time to do so has passed.

In the instant motion, defendants seek documents responsive to their Fourth Request for Production of Documents of plaintiff C.T.², Third Request for Production of Documents of G.B.³, and Third Request for Production of Documents on J.B.⁴ These Requests for Production seek copies of the unedited files of any expert witnesses identified by each plaintiff as a testifying expert. The instant motion explains that responsive documents and/or plaintiffs' responses to these requests were due on August 27, 2007, having been served on July 27, 2007. However, as of September 24, 2006, the date of the filing of the instant motion, plaintiffs had not responded to these discovery requests. Additionally, the docket does not include any Notice of Service regarding plaintiffs' responses to these discovery requests.

Generally, "[t]he failure to file a brief or response within the time specified with Rule 6.1(d) shall constitute a waiver of the right thereafter to file such a brief or response except upon a showing of excusable neglect. . . . If a respondent fails to file a response within the time required by Rule 6.1(d) the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice."⁵

Here, the court sees no reason as to why it should not grant the instant motion as uncontested. Pursuant to D. Kan. Rule 37.1(a) defendants attached the portions of the discovery requests in

²Memorandum in Support (Doc. 194) at (Exhibit A).

³*Id.* at (Exhibit B).

⁴*Id.* at (Exhibit C).

⁵*See* D. Kan. Rule 7.4

dispute.⁶ The instant motion is timely filed under D. Kan. Rule 37.1(b) and defendants included a certificate of service detailing their attempts to confer pursuant to D. Kan. Rule 37.2.⁷

Accordingly, and for good cause shown, the court grants the instant motion as uncontested.

IT IS THEREFORE ORDERED that defendants' Motion to Compel (Doc. 193) is granted as uncontested. By **October 31, 2007**, plaintiffs shall produce all documents responsive to defendants' Fourth Request for Production of Documents of plaintiff C.T., Third Request for Production of Documents of G.B., and Third Request for Production of Documents on J.B.

IT IS SO ORDERED.

Dated this 24th day of October, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius
K. GARY SEBELIUS
United States Magistrate Judge

⁶Memorandum in Support (Doc. 194) at (Exhibit A)(Exhibit B)(Exhibit C).

⁷See Certificate of Compliance (Doc. 195).