

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARY KAY GREEN,

Plaintiff,

v.

Case No. 06-2574-KHV

THE CITY OF OLATHE,
KANSAS,

Defendant.

ORDER

This matter is before the Court on the defendant's Motion for Order for Inspection and Reproduction of Records of the Kansas Human Rights Commission and the Equal Employment Opportunity Commission (Doc. 9). The present motion asks the court to order the Kansas Human Rights Commission ("KHRC") and the Equal Employment Opportunity Commission to produce to a copy of their investigative file(s), exclusive of documents conciliatory or deliberative in nature, pertaining to charges concerning plaintiff, Mary Kay Green and all documents relating to KHRC Case No. 563-2006-00641 (EEOC Charge No. 563-2006-00641).

Plaintiff failed to file a response to defendant's motion and the time for doing so has expired. The court will therefore deem defendant's motion to be uncontested.¹ Because the court deems defendant's motion to be uncontested, the Court can see no dispute as whether the motion should be granted.

¹D. Kan. R. 7.4.

Therefore, the Court finds that the documents defendant seeks appear to be relevant and discoverable and will grant defendant's motion requesting production, with minor modifications to conform to the court's standard procedure.

IT IS HEREBY ORDERED that defendant's Motion for Order for Inspection and Reproduction of Records of the Kansas Human Rights Commission and the Equal Employment Opportunity Commission (Doc. 9) is hereby granted, with modifications as set forth hereinafter.

IT IS FURTHER ORDERED that the KHRC and EEOC shall produce to any party to this action, or any attorney representing such a party, a copy of its investigative file(s) pertaining to charges filed by plaintiff Mary Kay Green against The City of Olathe, Kansas, and KHRC Case No. 563-2006-00641 (EEOC No. 563-2006-00641) except such portions thereof which may be of a deliberative or conciliatory nature or attorney work product of the KHRC's or EEOC's legal staff. The KHRC and EEOC are ordered to allow copies of the same to be made at the expense of the party receiving such production. Should the KHRC or EEOC consider that any items are of a deliberative or conciliatory nature or attorney work product of the KHRC's or EEOC'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 8th day of March, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge

cc: All counsel, KHRC, EEOC