

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DAVID L. BELL,

Plaintiff,

v.

Case No. 06-4026-JAR

CITY OF TOPEKA, KANSAS,  
et al.,

Defendants.

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**ORDER**

This matter comes before the court upon defendants' Motion to Strike Expert (Doc. 64) and plaintiff's Motion for Leave to Amend and File Out of Time Final List of Expert Witnesses, Motion to Modify Scheduling Order (Doc. 67). On January 10, 2007, the court granted extensions of time for the Final Pretrial Conference, submission of the parties' agreed Pretrial Order, and the dispositive motion deadline.<sup>1</sup> In the court's order granting extensions of these deadlines, the court also accepted the parties' agreement on the issue of experts.<sup>2</sup> Therefore, the court, upon consultation with the parties and upon a full review of the record, finds the defendants' Motion to Strike Expert (Doc. 64) and plaintiff's Motion for Leave to Amend and File Out of Time Final List of Expert Witnesses, Motion to Modify Scheduling Order (Doc. 67) should be denied as moot. Accordingly,

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<sup>1</sup>See Order Granting Motion for Extension of Time (Doc. 76).

<sup>2</sup>*Id.* at p. 2.

**IT IS THEREFORE ORDERED** defendants' Motion to Strike Expert (Doc. 64) and plaintiff's Motion for Leave to Amend and File Out of Time Final List of Expert Witnesses, Motion to Modify Scheduling Order (Doc. 67) are hereby denied as moot.

**IT IS SO ORDERED.**

Dated this 1<sup>st</sup> day of February, 2007, at Topeka, Kansas.

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