

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

FREDDIE J. BORDERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-2188 KHV
)	
ARCH ALUMINUM & GLASS CO.,)	
INC.,)	
)	
Defendant.)	

ORDER

This matter comes before the court upon Defendant's Motion for Extension of Time To File Second Motion to Compel Discovery (Doc. 28). Specifically, defendant requests an extension from December 21, 2007, until January 11, 2008 within which to file a Second Motion to Compel. Defendant states that plaintiff has no objection to the instant motion. Therefore, the court is prepared to rule.

On July 3, 2007, defendant served its First Set of Interrogatories and First Request for Production of Documents. On October 8, 2007, plaintiff served his responses to defendant's First Request for Production of Documents. Thereafter, on October 10, 2007, plaintiff served his objections to defendant's First Set of Interrogatories, however he did not provide substantive responses to the interrogatories or produce any responsive documents. Defendant filed its first Motion to Compel (Doc. 18) on November 6, 2007. Plaintiff did not respond to this motion, but served supplemental responses and produced documents on November 26, 2007. Defendant has informed the court that its first Motion to Compel is therefore moot, except for material that would be the subject of a Second Motion to Compel.

The court finds good cause exists and defendant's motion for an extension of time should be granted. Accordingly,

IT IS THEREFORE ORDERED that Defendant's Motion for Extension of Time To File Second Motion to Compel Discovery (Doc. 28) is hereby granted. Defendant is granted up to and including **January 11, 2008** within which to file its Second Motion to Compel plaintiff's discovery responses.

IT IS FURTHER ORDERED that Defendant's Motion to Compel Discovery Responses and Integrated Memorandum in Support (Doc. 18) is hereby denied as moot.

IT IS SO ORDERED.

Dated this 26th day of December, 2007, at Topeka, Kansas.

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