

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

JOSEPH L REED,

Plaintiff,

v.

BRONSON & MIGLIACCIO LLP,

Defendant.

CIVIL ACTION

No.: 07-2363-JWL-GLR

ORDER

This matter comes before the Court on Plaintiff's Motion to Compel Discovery (doc. 11). Plaintiff requests an order compelling Defendant to produce its discovery responses, without objection, to Plaintiff's First Interrogatories and Requests for Production. Plaintiff states in support of the motion that his counsel has conferred by telephone and e-mail multiple times with Defendant's counsel, but has not yet received the discovery responses as promised by Defendant's counsel. Plaintiff states that he files this motion to preserve his access to the requested discovery. He does not request an award of his reasonable expenses. Defendant has not filed any response to the motion.

The Court notes that, after Plaintiff filed the instant motion, Defendant filed a Certificate of Service on December 31, 2007 (doc. 12), certifying that Defendant served its Answers to Plaintiff's First Interrogatories and Responses to Request for Production of Documents were served via e-mail on December 31, 2007. Even though Defendant filed its Certificate of Service, it has not filed any response advising the Court whether Defendant's production of the discovery responses renders Plaintiff's motion as moot. In the absence of such a response, the Court must find that Defendant

has failed to file a response in opposition to Plaintiff's motion, so that the Court will consider and decide the motion as an uncontested motion pursuant to D. Kan. Rule 7.4.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Compel Discovery (doc. 11) is granted. Unless it has already produced such discovery responses, Defendant shall serve, without objection, its Answers to Plaintiff's First Interrogatories and Responses to Request for Production of Documents within **ten (10) days** of the date of this Order.

Dated in Kansas City, Kansas, this 23rd day of January, 2008.

s/ Gerald L. Rushfelt

Gerald L. Rushfelt
United States Magistrate Judge