

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

ANTHONY S. WHAYNE, JR.

Plaintiff,

vs.

Case No. 07-4009-JAR

RESER'S FINE FOOTS, INC.,

Defendant.

ORDER

This matter is before the court on the plaintiff's Motion for In Camera Inspection (Doc. 10). The present motion asks the court to order the Kansas Human Rights Commission ("KHRC") to produce for in camera review any and all files and documents concerning the investigation of plaintiff Anthony Wayne, Jr.'s complaint with the KHRC, Case No. 29571-06. The present motion indicates that the defendant does not oppose this motion. As the motion is uncontested, the court can see no dispute as whether the motion should be granted.

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

IT IS HEREBY ORDERED that plaintiff's Motion for In Camera Inspection (Doc. 10) is hereby granted, with modifications as set forth hereinafter.

IT IS FURTHER ORDERED that the KHRC 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 Anthony Wayne, Jr. with the KHRC (Case No.

29571-06) except such portions thereof which may be of a deliberative or conciliatory nature or attorney work product of the KHRC's legal staff. The KHRC is ordered to allow copies of the same to be made at the expense of the party receiving such production. Should the KHRC consider that any items are of a deliberative or conciliatory nature or attorney work product of the KHRC'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 31st day of July, 2007, at Topeka, Kansas.

s/ K. Gary Sebelius

K. Gary Sebelius
U.S. Magistrate Judge

cc: All counsel, KHRC, EEOC