

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KATHY L. BORLAND,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 07-4098-RDR
)	
KANSAS SPEEDWAY)	
CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the Court on defendant Kansas Speedways Corporation's Motion for Release of Kansas Human Rights Commission's ("KHRC") File Regarding Plaintiff (Doc. 4). The present motion asks the court to order the KHRC to produce a copy of their investigative file(s) pertaining to charges concerning plaintiff, Kathy Borland, and all documents relating to KHRC Case No. 30123-06 (EEOC Charge No. 28D-2006-02774). No response has been filed in opposition to defendant's motion, and the time for the filing of any such response has expired. As a result, these issues are ripe for disposition.

D. Kan. Rule 7.4 provides in relevant part: "The failure to file a brief or response within the time specified within Rule 6.1[(d)]¹ shall constitute a waiver of the right

¹Rule 6.1(d)(1) provides that "[r] esponses to nondispositive motions . . . shall be filed and served within 14 days."

thereafter to file such a brief or response If a respondent fails to file a response within the time required . . . , the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice.” Because no response has been filed in opposition to defendant’s motion, the court will consider the instant motion.

Upon reviewing the motion, the court finds sufficient cause exists that it be granted. Specifically, the court finds that the documents appear to be relevant and discoverable and will grant the defendant’s motion requesting production, with minor modifications to conform to the court’s standard procedure.

IT IS HEREBY ORDERED that defendant Kansas Speedways Corporation’s Motion for Release of Kansas Human Rights Commission’s File Regarding Plaintiff (Doc. 4) 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 Kathy L. Borland against Kansas Speedway Commission, and KHRC Case No. 30123-06 (EEOC Charge No. 28D-2006-02774), 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 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 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 23rd day of October, 2007, at Topeka, Kansas.

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

cc: All counsel, KHRC