

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BRIAN SOZA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-2155-KHV
)	
INTERSTATE BRANDS CORPORATION,)	
)	
Defendant.)	

ORDER

This case comes before the court on the motion of the defendant, Interstate Brands Corporation, to compel the plaintiff, Brian Soza, to provide complete responses to its first set of interrogatories and requests for production of documents and to provide defendant with his Fed. R. Civ. P. 26(a)(1) disclosures (**doc. 10**). No timely response has been filed by plaintiff.

D. Kan. Rule 7.4 provides “[i]f a respondent fails to file a response within the time required by Rule 6.1(d), the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice.” The court grants the motion as unopposed. By **October 3, 2008**, plaintiff shall provide defendant with complete and verified responses, without objection, to defendant’s first set of interrogatories and requests for production, and his Rule 26(a)(1) disclosures.

Defendant has also filed a motion for extension of the Rule 35 examination deadline (**doc. 11**) and a motion to extend its deadline for designating its expert witnesses (**doc. 12**). Defendant seeks extension of these deadlines for 21 days after plaintiff has provided his responses to the outstanding discovery. Rather than await a response by plaintiff, and in light

of the above-referenced ruling, the court grants the motions extending the deadlines for completion of all Rule 35 examinations and for defendant to designate his expert witnesses to **October 24, 2008**.

In consideration of the foregoing,

IT IS HEREBY ORDERED that the above-referenced motions (**docs. 10, 11 & 12**) are granted.

Dated this 25th day of September, 2008, at Kansas City, Kansas.

s/James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge