

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

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|--------------------------|---|----------------------|
| YEFIM TARSHIK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 08-4058-SAC |
| |) | |
| STATE OF KANSAS, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

On September 18, 2008, the undersigned U.S. Magistrate Judge, James P. O'Hara, conducted a status conference in this case. This conference was scheduled to be held at the U.S. Courthouse, Room 236, in Kansas City, Kansas. However, just prior to the conference, the court received a call from the pro se plaintiff, Yefim Trashik, indicating that he would not be appearing in Kansas City for the conference. At that time, all counsel of record for defendants had already arrived at the courthouse. Rather than reschedule the conference, the court conducted the conference with plaintiff appearing by telephone. Defendant State of Kansas appeared through counsel, Danny J. Baumgartner. Defendants St. Francis Hospital, Stormont Vail HealthCare, Marion Clinic, and Cotton O'Neil Clinic appeared through counsel, Marta Fisher Linenberger. Defendant Heritage Mental Health Clinic appeared through counsel, Michael T. Jilka.

Plaintiff is warned that, in the future, if he fails to appear for a conference which is scheduled at the courthouse, the court will likely impose sanctions against him which will

include plaintiff having to reimburse each of the defendants for the fees charged by their attorneys for their appearances.

During the conference, plaintiff was reminded that all discovery in this case has been stayed until the presiding U.S. District Judge, Hon. Sam A. Crow, rules the pending motions to dismiss. In ruling the motions to dismiss, the court must accept the allegations contained in plaintiff's complaint (doc. 1) as true. *Stuart v. Colo. Interstate Gas Co.*, 271 F.3d 1221, 1225 (10th Cir. 2001). Plaintiff, therefore, shall not file any further motions regarding discovery.

The court noted that the defendant State of Kansas' motion to dismiss (doc. 39) has been fully briefed. Defendants, Cotton O'Neil Clinic, Marian Clinic, St. Francis Hospital, Stormont Vail HealthCare, and Heritage Mental Health Clinic, each filed their respective motions to dismiss on September 2, 2008 (docs. 82, 84, 86, 88 & 91). Plaintiff's responses to the motions shall be filed by **September 25, 2008**.

IT IS SO ORDERED.

Dated this 18th day of September, 2008, at Kansas City, Kansas.

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