

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

**SCOTT E. COLE and MICHELLE L.
COLE,**

Plaintiffs,

v.

Case No. 09-1107-MLB-DWB

JOHN T. PYLE, II, et al.,

Defendants.

MEMORANDUM AND ORDER

On February 2, 2010, Plaintiff filed a Motion to Extend Time to Conduct Discovery (Doc. 70), seeking an additional 45 days to conduct certain discovery including depositions. The Court set a telephone hearing on the motion (Doc. 71) which was held on February 8, 2010. Plaintiff appeared through counsel D. Raymond Walton and Tim Connell; Defendant appeared through counsel Michelle Watson. After hearing arguments of counsel, the court entered the following order:

Discovery cutoff is extended to **March 19, 2010**, but only for the purpose of completing the following discovery:

1. Deposition of Defendant's expert Ron Christy set for February 16, 2010;
2. Deposition of Plaintiff's treating physician Dr. Caple Spence in Oklahoma City, Oklahoma which was set for March 2, 2010;
3. Deposition of David Bock in Iowa;
4. Deposition of Dr. Reed Pryor in Iowa;

5. Defendant's responses to Plaintiff's Second Document Requests served on or about February 5, 2010 (Doc. 73).

The above depositions may be either discovery depositions or evidentiary depositions, or both. If the depositions identified in paragraphs 3 and 4 above are taken in person (rather than by telephone or video conference deposition) the parties shall use their best efforts to schedule them so that Defendant's counsel is required to make only one trip to Iowa.

Because the discovery cutoff is being extended, the Court will also extend the following dates and deadlines that were previously set in the Scheduling Order filed June 24, 2009 (Doc. 18):

- A. The pretrial order draft shall be submitted to the assigned trial judge by **April 12, 2010**;
- B. The final pretrial conference is re-set before the assigned trial judge for **April 26, 2010 at 1:30 p.m.**;
- C. The dispositive motion deadline is extended to **May 17, 2010**.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Extend Time to Conduct Discovery (Doc. 70) is GRANTED as set out above in this Memorandum and Order, and dates for the pretrial conference and deadline for dispositive motions are extended as set out herein.

Dated this 10th day of February, 2010, at Wichita, Kansas.

s/ DONALD W. BOSTWICK
Donald W. Bostwick
U.S. Magistrate Judge