

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

PHILIP TOTONELLY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-1234-JTM
)	
GALICHIA MEDICAL GROUP, P.A.,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

Plaintiff moves to compel defendant to answer an interrogatory asking defendant about financial contributions by any Galichia Medical Group (GMG) member during a one year period. (Doc. 50). Defendant opposes the motion, arguing that the requested information is confidential and not relevant to the claims in this case. As explained in greater detail below, the court agrees that the information is not relevant; therefore, the motion to compel shall be DENIED.

This is an action arising out of an employment agreement between plaintiff and defendant. Highly summarized, plaintiff alleges that defendant breached the agreement by failing to pay (1) certain severance benefits after plaintiff was terminated and (2) bonuses earned during employment. The requested financial information is not relevant to the parties' dispute over whether plaintiff is entitled to severance benefits under the terms of the parties' agreement. Similarly, the requested financial information is not relevant to the issue

of whether plaintiff is entitled to certain bonus payments. Plaintiff either generated sufficient “net professional cash collections” to qualify for the bonuses or he did not. Discovery concerning the financial contributions by a member of GMG is not reasonably calculated to lead to admissible evidence in this case. Accordingly, the motion to compel shall be **DENIED.**

IT IS SO ORDERED.

Dated at Wichita, Kansas this 7th day of December 2010.

S/ Karen M. Humphreys

KAREN M. HUMPHREYS
United States Magistrate Judge