

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

MARGARET WEICHERT,	)	
	)	
Plaintiff,	)	
	)	Case No. 13-2493-KHV-KGG
E-FINANCE CALL CENTER SUPPORT,	)	
LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**MEMORANDUM & ORDER ON  
PLAINTIFF’S MOTION TO COMPEL RESPONSES TO  
INTERROGATORIES AND DOCUMENT REQUESTS  
IN AID OF EXECUTION**

The above-captioned matter is a workplace discrimination case filed by Plaintiff alleging that she was treated unfavorably because of her race and gender. She also alleges that her employment was terminated after she complained about the alleged discrimination. (*See* Doc. 1.)

Judgment was entered by the Court in August, 2015 in favor of Plaintiff following a trial on the matter in July, 2015. (Doc. 155). Defendants have since filed a Motion for a New Trial, or in the Alternative, Motion to Amend the Judgment and Remittitur of the Punitive Damage Award. (Doc. 159.) Defendants’ motion remains pending before the District Court.

Pending before the undersigned Magistrate Judge is Plaintiff’s Motion to

Compel responses to discovery requests in aid of execution. (Doc. 166.)

Defendants contend that because their post-trial motion remains pending, the discovery is premature and that “judicial economy is not served by conducting discovery in aid of execution of a judgment before that judgment becomes final.” (Doc. 168, at 1.) In its Response to the motion, Defendants “move this court for a stay of discovery and execution” pending the District Court’s ruling on the pending motion.

Fed.R.Civ.P. 62 governs stays of proceedings to enforce a judgment. Subsection (a) of the rule provides an automatic stay of 14 days before a judgment can be executed or proceedings may be taken to enforce it. Defendants argue that “[i]t seems logical that if an automatic stay is available to Defendant *after* entry of the final judgment, a stay is appropriate in the interim *before* a final judgment is entered.” (Doc. 168, at 1 (emphasis in original).)

Subsection (b) of Rule 62 states that a court may stay the execution of a judgment or any proceedings to enforce it when a motion for a new trial or to amend a judgment is pending. This may only occur, however, “[o]n appropriate terms for the opposing party’s security . . . .” Although the Defendants request a stay as in Response to the motion, there is no proposal to provide for “appropriate security,” as required by the Rule.

As such, the Court **GRANTS** Plaintiff's motion compelling Defendants to respond to the discovery requests in aid of execution.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Compel (Doc. 166) is **GRANTED**. Defendants are **ORDERED** to provide supplemental discovery responses consistent with the terms of this Order **within thirty (30) days of the date of this Order**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas, on this 28<sup>th</sup> day of November, 2016.

S/ KENNETH G. GALE  
KENNETH G. GALE  
United States Magistrate Judge