

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ANTHONY M. SMITH,

Plaintiff,

v.

Case No. 13-2605-CM

THE HILLSHIRE BRANDS COMPANY,

Defendant.

ORDER

The court held a status conference in this case today, October 22, 2014. Plaintiff appeared pro se and defendant appeared through its attorney, Melody Rayl. This order memorializes rulings made at the conference.

First, in response to the show cause order issued by Judge Murguia on October 20, 2014 (ECF doc. 74), the court finds that plaintiff has shown good cause why he failed to file a timely response to defendant's motion for summary judgment (ECF doc. 71). The new briefing deadlines related to that motion for summary judgment are as follows: plaintiff's response is due on or before **November 5, 2014**; defendant's reply is due on or before **December 12, 2014**. If plaintiff fails to file a response by this new deadline, the court will grant defendant's motion for summary judgment as uncontested, and the case will be dismissed.

Second, with respect to discovery that defendant contends plaintiff has not provided in violation of the court's orders, defendant may—either before or after a ruling on

defendant's motion for summary judgment—file a motion for sanctions.¹ The court finds that defendant has satisfied its meet-and-confer obligations with respect to the discovery matters currently in dispute and need not confer with plaintiff further before filing such a motion.

Third, given the pending and anticipated motions, the April 6, 2015 trial setting is vacated. If the case remains at issue after a ruling on defendant's motion for summary judgment and the anticipated motion for sanctions, the court will re-set trial deadlines.

Dated October 22, 2014, at Kansas City, Kansas.

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

¹Should defendant wait to file a motion for sanctions until after a ruling on defendant's motion for summary judgment, defendant's motion for sanctions is due **within three weeks** of the court's decision on the motion for summary judgment.