

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DENNIS RAY YOUNG,

Plaintiff,

v.

Case No. 14-2592-CM-JPO

ULTRA-CHEM, INC.,

Defendant.

ORDER

The *pro se* plaintiff, Dennis Ray Young, brings this lawsuit against the defendant, Ultra-Chem, Inc., for employment retaliation.¹ The case is before the undersigned U.S. Magistrate Judge, James P. O'Hara, on plaintiff's motion to stay his required deposition. (ECF doc. 22). For the reasons discussed below, the motion is denied.

On June 9, 2015, this court entered an order granting defendant's motion to order the defendant to appear for a deposition.² The scheduling order was also modified to accommodate the deposition and the pretrial order.

The following day, defendant filed a notice that the deposition of plaintiff would take place on June 16, 2015.³ On June 16, 2015, plaintiff filed the motion to stay

¹ ECF doc. 1.

² ECF doc. 20.

³ ECF doc. 21.

presently before this court. On that same day, defendant filed a notice that the deposition of plaintiff would take place, per agreement, on June 19, 2015.⁴ Per the court's prior ruling, June 19 is the last day that the deposition can occur.⁵

Defendant's notice of deposition was filed after plaintiff's motion to stay. Because defendant's notice of deposition states that the parties were in agreement about the deposition, it is unclear whether plaintiff still seeks to stay the deposition. In any event, plaintiff's motion to stay is denied.

Plaintiff asks this court to stay its order, and essentially reiterates the arguments he previously set forth in his response in opposition to defendant's motion for deposition. The court already considered, and rejected, plaintiff's arguments. The plaintiff also references that he did not get to take a deposition, but fails to provide any further information. For example, he fails to list who he wished to depose, and why such a deposition did not occur. Nonetheless, there was nothing stopping plaintiff from taking a deposition during the allotted discovery time, which has since passed. The discovery was extended for the limited purpose of taking the plaintiff's deposition due to the unique nature of the events that unfolded when the deposition was initially scheduled.

For the reasons articulated by this court in its prior order (ECF doc. 20), plaintiff's motion to stay is denied.

⁴ ECF doc. 23.

⁵ ECF doc. 20.

IT IS THEREFORE ORDERED:

1. Plaintiff's motion to stay his deposition (ECF doc. 22) is denied.
2. Plaintiff is ordered to appear for his deposition set for Friday June 19 at 2:00pm as set forth in the notice (ECF doc. 23).
3. The parties shall bear their own expenses and attorney fees incurred in connection with this motion.

Dated June 17, 2015 at Kansas City, Kansas.

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