

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

**Michael Rowan,**

**Plaintiff,**

**Case No. 15-9227-JWL**

**v.**

**Sunflower Electric Power Corporation;  
Mid-Kansas Electric Company, LLC; and  
Power Constructors, Inc.,**

**Defendants.**

**MEMORANDUM & ORDER**

On August 4, 2016, the magistrate judge issued an order granting in part and denying in part defendants' joint motion to extend certain deadlines in the court's amended scheduling order. In their motion, defendants sought to modify certain deadlines relating to expert discovery and independent medical examinations (IMEs). The magistrate judge granted the motion in that she extended the deadlines as requested but denied the motion to the extent defendants sought to change the sequence of the deadlines. Specifically, defendants sought to require plaintiff to make his expert disclosures before the deadline for defendants to conduct physical and/or mental examinations of plaintiff. This matter is presently before the court on defendants' motion to review, pursuant to Federal Rule of Civil Procedure 72(a), that portion of the magistrate judge's order denying defendants' request to re-sequence plaintiff's IME to follow plaintiff's expert disclosures. The motion is denied.

Because the magistrate judge's order relates to a non-dispositive pretrial matter, the court utilizes a highly deferential standard under which plaintiffs must show that the magistrate judge's order is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). In this case, the magistrate judge's order was neither clearly erroneous nor contrary to law and, thus, the court denies the motion. There is no law in this District governing the sequence of IMEs and expert disclosures. The magistrate judge's ruling, then, was entirely discretionary. Moreover, defendants agreed to the scheduling order and the amended scheduling order, both of which set forth the sequence that defendants later sought to modify. Under these facts, the court does not find that the magistrate judge's conclusion that defendants have not shown good cause to modify the sequence is clearly erroneous or contrary to law.

**IT IS THEREFORE ORDERED BY THE COURT THAT** defendants' motion to review the magistrate judge's August 4, 2016 memorandum and order (doc. 241) is **denied**.

**IT IS SO ORDERED.**

Dated this 8<sup>th</sup> day of September, 2016, at Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum  
United States District Judge