IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LANGLEY/EMPIRE CANDLE LLC,   )
)
       Plaintiff,   )
)
      v.   )   Case No. 17-2308-JAR
)
MAYZO, INC.,   )
)
       Defendant.   )

ORDER

This matter comes before the court upon Plaintiff's Motion for Protective Order (ECF No. 43) and Defendant's Cross-Motion to Amend Scheduling Order (ECF No. 44). For the following reasons, these motions are denied.

On January 5, 2018, the court conducted a telephone conference on the issues raised in plaintiff's motion for protective order. Plaintiff sought to prevent the taking of any depositions, including those noticed by defendant of witnesses David Lee and Chris Klope, prior to mediation between the parties. Plaintiff contended the taking of these depositions prior to mediation is an effort by defendant to avoid mediation and needlessly increase the costs of litigation. Defendant suggested in response that it is merely seeking discovery necessary to adequately prepare for mediation. In its motion, defendant sought to extend the mediation deadline of January 17, 2018 to complete its requested discovery.

Based upon the arguments made by counsel for the parties during the telephone conference, the court determined that the depositions of David Lee and Chris Klope should be taken immediately so that mediation could occur as scheduled on January 17, 2018. Accordingly, plaintiff's motion for protective order is denied. If the schedules of the witnesses and the attorneys do not allow for the completion of the depositions prior to the scheduled

mediation, the court will consider a motion to extend the mediation deadline. Accordingly, defendant's motion for amendment of the scheduling order is denied as moot.

IT IS THEREFORE ORDERED that plaintiff's Motion for Protective Order (ECF No. 43) is hereby denied.

IT IS FURTHER ORDERED that defendant's Cross-Motion for Amendment of Scheduling Order (ECF No. 44) is hereby denied as moot.

IT IS SO ORDERED.

Dated this 9th day of January, 2018, at Topeka, Kansas.

<u>s/ K. Gary Sebelius</u>
K. Gary Sebelius
U.S. Magistrate Judge