

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

LEONID KHAYET,

Plaintiff,

v.

TODD CUSHING, et al.,

Defendants.

Case No. 17-CV-2624-CM-GLR

MEMORANDUM AND ORDER

Pro se Plaintiff Leonid Khayet has filed a response in opposition (ECF 20) to attorney Robert W. Futhey's Motion for Leave to Appear Pro Hac Vice on behalf of Defendant Todd Cushing (ECF 17). Plaintiff also requests two separate hearings in regard to the pro hac vice motion. He first asks for a hearing with Mr. Futhey (ECF 21). He also asks for a hearing with local counsel Matthew Lytle separate from the hearing with Mr. Futhey (ECF 22).

The Court grants Plaintiff's request for a hearing on Mr. Futhey's motion to appear pro hac vice, but denies the request for two separate hearings. All parties and counsel who have entered appearance on behalf of a party, should appear for telephone conference on **May 1, 2018 at 3:15 p.m.** Parties and counsel should call 1-888-363-4749, access number 8533057, for the hearing.

Plaintiff has filed a Motion for Leave to File a Surreply to the pro hac vice motion (ECF 26), as well as a Restricted Motion for Supplemental Pleadings (ECF 27), in which he asks to supplement his response to the pro hac vice motion. Because the Court is granting Plaintiff's request for a hearing, both motions are denied. Plaintiff may present his argument on the motion at the hearing.

Plaintiff's Motion to Seal (ECF 28), regarding his motion to supplement and all attachments, is denied as moot. Plaintiff has already filed his motion to supplement and all attachments, and he fails to articulate or present any facts of consequence to meet his burden of showing public or private harm that would outweigh the public's right of access to the filings.¹

The Court also denies as moot Plaintiff's Motion for Continuance to Support Religious Accommodations (sic) (ECF 39), Motion for Leave to File Supplemental Information in Support of Restricted Motion for Continuance to Support Religious Accommodations (sic) (ECF 40), and Motion to Stay Deadlines or in the Alternative Continuance (ECF 41). Plaintiff requested a continuance during Passover, which ended on April 7, 2018. Therefore, those motions are denied as moot.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's Motion for Expedited Hearing (ECF 21) is **granted**. The Court sets a telephone hearing on the Motion for Leave to Appear Pro Hac Vice on behalf of Defendant Todd Cushing (ECF 17) for **May 1, 2018 at 3:15 p.m. All parties and counsel are to call 1-888-363-4749, access number 8533057, for the hearing.**

IT IS FURTHER ORDERED that Plaintiff's Motion for Expedited Hearing (ECF 22) is **granted in part and denied in part** pursuant to the Court's ruling on ECF 21.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File a Surreply (ECF 26) and Restricted Motion for Supplemental Pleadings (ECF 27) are **denied**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Seal (ECF 28), Motion for Continuance to Support Religious Accommodations (sic) (ECF 39), Motion for Leave to File

¹ See *Carefusion 213, LLC v. Professional Disposables, Inc.*, 2010 WL 2653643, at *1 (D. Kan. June 29, 2010) (internal quotations omitted); *Heartland Surgical Specialty Hosp., LLC v. Midwest Div., Inc.*, 2007 WL 101858, at *4 (D. Kan. (Jan. 10, 2007).

Supplemental Information in Support of Restricted Motion for Continuance to Support Religious Accommodations (sic) (ECF 40) are **denied as moot**.

IT IS SO ORDERED.

Dated April 12, 2018, at Kansas City, Kansas.

S/ Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge