

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

ANDREA COLE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 18-2109-CM-KGG
	)	
NATIONAL RAILROAD PASSENGER	)	
CORPORATION a/k/a AMTRAK, <i>et al.</i> ,	)	
	)	
Defendant.	)	
_____	)	

**MEMORANDUM & ORDER ON COMPETING MOTIONS  
FOR PROTECTIVE ORDERS REGARDING  
EX PARTE COMMUNICATION WITH MEDICAL PROVIDERS**

The parties have filed competing motions for a Protective Order regarding *ex parte* communication with medical providers (Docs. 40, 43). Defendant requests that the Order include language that Plaintiff and her counsel “are prohibited from attempting to dissuade the treating physicians from speaking *ex parte* with Defendants’ counsel.” (Doc. 40.) Plaintiff subsequently proposes that the Order state that she and her counsel “may advise treating physicians that they are under no obligation to agree to *ex parte* communication with Defense Counsel.” (Doc. 43.)

The Court finds that neither party has provided a legal basis in support of their proposed language on this issue. As such, Defendant's motion (Doc. 40) is **GRANTED in part** and **DENIED in part**. Plaintiff's motion (Doc. 43) is **DENIED**. The Court's Protective Order is attached.

IT IS THEREFORE ORDERED that Defendant's motion (Doc. 40) is **GRANTED in part** and **DENIED in part**.

IT IS FURTHER ORDERED that Plaintiff's motion (Doc. 43) is **DENIED**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas, on this 30<sup>th</sup> day of July, 2018.

s/ KENNETH G. GALE  
KENNETH G. GALE  
United States Magistrate Judge