

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

FELICIA A. JEFFERSON, )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No. 18-2620-KHV  
 )  
 AMSTED RAIL COMPANY, INC., )  
 )  
 Defendant. )

**ORDER**

Defendant has filed a second motion to compel plaintiff's responses to interrogatories and requests for production of documents (ECF No. 32). This motion comes after plaintiff failed to comply with the court's June 26, 2019 order granting in part and denying in part defendant's first motion to compel the discovery.<sup>1</sup> Specifically, defendant alleges plaintiff did not "produce responses to defendant's requests for production of documents" by the set July 10, 2019 deadline, nor did she work with defendant "to resolve any perceived deficiencies in plaintiff's interrogatory answers."<sup>2</sup> The record reflects defense counsel contacted plaintiff on multiple occasions, but plaintiff has nonetheless failed to adequately supplement her interrogatory responses or provide a response to the document requests.

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<sup>1</sup> ECF No. 30.

<sup>2</sup> *Id.* at 2.

On July 12, 2019, the court set July 22, 2019, as the deadline for plaintiff to respond to the instant motion to compel.<sup>3</sup> That deadline passed without plaintiff filing a response. Under D. Kan. Rule 7.4(b), when a response is not filed to a motion, “the court will consider and decide the motion as an uncontested motion. Ordinarily, the court will grant the motion without further notice.” Defendant’s second motion to compel therefore is deemed uncontested and is granted.

Plaintiff is hereby ORDERED that by **August 6, 2019**, she must produce to defendant all requested documents in her possession, custody, or control, without objection, and must fully answer Interrogatory Nos. 2, 3, 7, and 9. It is important that plaintiff meet this August 6, 2019 deadline so defense counsel has adequate time to prepare for plaintiff’s deposition scheduled for August 8, 2019.<sup>4</sup>

The second motion to compel also asks the court to sanction plaintiff for her inaction by ordering her to pay defendant’s reasonable attorney fees incurred in bringing the motion. At this time, the court declines to impose sanctions upon plaintiff, who is proceeding pro se and in forma pauperis. The court cautions plaintiff, however, that if she fails to comply with this discovery order or otherwise stymies the completion of discovery (including the taking of her deposition) for any unjustifiable reason, the court likely will impose sanctions. These sanctions could include dismissal of plaintiff’s claims and/or the requirement that she pay the attorney fees and expenses incurred by defendant.

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<sup>3</sup> ECF No. 33.

<sup>4</sup> See ECF No. 34 (Notice of Deposition).

Plaintiff is hereby informed that, within 14 days after she is served with a copy of this order, she may, pursuant to Fed. R. Civ. P. 72 and D. Kan. Rule 72.1.4(a), file written objections to this order by filing a motion for review of this order. Plaintiff must file any objections within the 14-day period if she wants to have appellate review of this order. If plaintiff does not timely file her objections, no court will allow appellate review.

IT IS SO ORDERED.

July 23, 2019, at Kansas City, Kansas.

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