

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

JAYDEN JOHNSON,)	
)	
Plaintiff,)	
v.)	Case No. 20-1192-KGG
)	
ABRAHAM PETERS,)	
)	
Defendant.)	
_____)	

**ORDER ON MOTION TO COMPEL AND
SHOW CAUSE ORDER REGARDING THIRD-PARTY SUBPOENA**

Now before the Court is Plaintiff’s Motion to Compel (Doc. 19) in which Plaintiff seeks an Order compelling Defendant to fully respond to Interrogatories served on him as well as to produce all documents within Defendant’s possession, custody and control that are responsive to Plaintiff’s Requests for Production of Documents. Plaintiff seeks an Order, pursuant to Fed.R.Civ.P 36(a), that his Requests for Admission served on Defendant be deemed admitted. Plaintiff also seeks an Order, pursuant to Fed.R.Civ.P. 45(g), finding third-party Billy Peters to be in contempt for failing to respond to the subpoena served on him. Finally, Plaintiff seeks his attorneys fees relating to this motion.

Neither Defendant nor the subpoenaed third party have responded to the motion to compel and the time to do so has expired. D. Kan. Rule 6.1(d)(1). As such, the motion is **GRANTED as uncontested**. D. Kan. Rule 7.4.

Defendant is therefore ORDERED to fully respond to Plaintiff's Interrogatories and Requests for Production, **without objection**, within two weeks of the date of this Order. All objections are deemed waived. Defendant must produce all responsive documents in his possession, custody or control. As requested by Plaintiff, Defense counsel must also provide Plaintiff with a detailed certification regarding the methods and efforts utilized by Defendant to identify, locate and obtain such responsive documents. Further, the Requests for Admission served by Plaintiff on Defendant are **deemed admitted**.

As for the third-party subpoena served on third party Billy Peters, the Court will issue a separate **SHOW CAUSE ORDER** in this case to third-party Billy Peters to show cause why he should not be held in contempt for failing to respond to the subpoena pursuant to Fed.R.Civ.P. 45(g).

Finally, the Court also **GRANTS** Plaintiff's request for his attorney's fees relating to this motion. *See* Fed.R.Civ.P. 37(a)(5). Plaintiff's counsel is instructed to submit an accounting of his billed time relating to the underlying motion within two weeks of the date of this Order.

IT IS THEREFORE ORDERED that Plaintiff's Motion (Doc. 19) is GRANTED.

IT IS SO ORDERED.

Dated at Wichita, Kansas, on this 22nd day of January, 2020.

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