

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN GARECHT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:14-cv-378-SMY-DGW
)	
PROFESSIONAL TRANSPORTATION,)	
INC.,)	
)	
Defendant.)	

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion to Compel Production of Documents filed by Plaintiff, John Garecht, on March 30, 2016 (Doc. 61) and the Motion to Stay filed by Plaintiff on April 29, 2016 (Doc. 68). The Motion to Compel is **MOOT** and the Motion to Stay is **DENIED**.

Plaintiff served a subpoena for the production of documents on Union Pacific Railroad Company, a third party to this litigation, on October 20, 2015. Union Pacific responded to the subpoena and provided responsive documents. However, it did not provide documents responsive to request 4:

All work train crew hours of service reports, as defined and required the 49 C.F.R. 228.11 [sic], made to the UP that correspond with the dates disclosed by the UP showing PTI providing ground transportation services. (You may redact the names and other identifying information of the UP train crews.)

(Doc. 61-1, p. 4).

Plaintiff argues that such information is relevant to his claims and that Union Pacific has not provided a justification for withholding responsive documents. Since filing the motion to compel, Union Pacific has been providing additional documents to Plaintiff. Plaintiff therefore requests that a ruling on the motion to compel be stayed. Instead, the Court directs Plaintiff to

refile his motion to compel if the current production does not satisfy the subpoena.

IT IS SO ORDERED.

DATED: May 20, 2016



DONALD G. WILKERSON
United States Magistrate Judge