

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JUSTIN R. BELISLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08-2087-JWL
	)	
BNSF RAILWAY COMPANY,	)	
	)	
Defendant.	)	

**ORDER**

This case comes before the court on the motion of the plaintiff, Justin R. Belisle, to compel the defendant, BNSF Railway Company, to produce documents responsive to two discovery requests (**doc. 44**). Defendant has filed a response (doc. 46), and plaintiff has replied (doc. 47). At issue in the instant motion are injury reports which defendant is withholding from production on the grounds they are privileged by statute, i.e., 49 U.S.C. § 20903 and 23 U.S.C. § 490. Upon the current state of the record, the court is unable to confidently determine whether the injury reports defendant is withholding fall within the scope of either of the above-referenced statutes. The court, therefore, orders defendant to produce copies of all the reports it is withholding to the chambers of the undersigned for an in camera inspection no later than **12:00 noon, September 12, 2008**. The court will then proceed to rule on the instant motion.

Dated this 10th day of September, 2008, at Kansas City, Kansas.

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