

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

KENDRA ROSS,

Plaintiff,

v.

ROYALL JENKINS, et al.,

Defendants.

Case No. 17-2547-DDC-TJJ

MEMORANDUM AND ORDER

This matter is before the court because several non-parties have filed papers seeking an in-camera hearing to dismiss plaintiff's action and objecting to at least one of plaintiff's filings. *See* Docs. 133, 134, 135, 136, 137, & 138. The Western District of Missouri also has transferred to our court a case that includes plaintiff's Motion to Compel Non-Parties Ephraim J. Woods, Jr., Griegory L. Moten, Atif Abdel-Khaliq, and Marvin L. McIntosh to Appear for Depositions. *Ross v. Jenkins*, No. 19-201 (D. Kan. transferred Jan. 10, 2019). These papers all were docketed after the court entered an order scheduling a hearing on January 25, 2019, to address several pending issues in this case. *See* Doc. 131 at 12 (entered January 4, 2019). Below, this order establishes additional procedures to decide these new issues.

On **January 25, 2019, at 1:30 p.m.**, the court will conduct a hearing on the papers filed by Dana M. Peach, Marvin L. McIntosh, and Griegory L. Moten since the court entered its January 4 order. Docs. 133, 134, 135, 136, 137, & 138.¹ This hearing will take place in

¹ Each filing contains an obvious deficiency: though Mr. Woods, Mr. Moten, Mr. McIntosh, and Ms. Peach's names appear on each document, only one of these four people has signed each paper. Ms. Peach has signed Docs. 133 and 134. Doc. 133 at 2, 4; Doc. 134 at 4, 5. Mr. McIntosh has signed Docs. 135 and 136. Doc. 135 at 2, 4; Doc. 136 at 4, 5. And Mr. Moten has signed Docs. 137 and 138. Doc. 137 at 2, 4; Doc. 138 at 4, 5. While a party or non-party may represent itself in court proceedings, it cannot

Courtroom 476 of the Robert J. Dole United States Courthouse, 500 State Avenue, Kansas City, Kansas. Failure to appear for this hearing will waive any opportunity to be heard further on this matter.

Though the court grants Ms. Peach, Mr. McIntosh, and Mr. Moten’s requests for a hearing, it denies the portions of their requests seeking an in-camera hearing. Closed hearings are not favored absent special circumstances. *See Levine v. United States*, 362 U.S. 610, 615 (1960) (“[D]ue process demands appropriate regard for the requirements of a public proceeding in cases of criminal contempt, as it does for all adjudications through the exercise of the judicial power, barring narrowly limited categories of exceptions such as may be required by the exigencies of war, or for the protection of children.” (internal citations omitted)); *Gannett Co. v. DePasquale*, 443 U.S. 368, 382 (1979) (“There can be no blinking the fact that there is a strong societal interest in public trials. Openness in court proceedings may improve the quality of testimony, induce unknown witnesses to come forward with relevant testimony, cause all trial participants to perform their duties more conscientiously, and generally give the public an opportunity to observe the judicial system.”). None of the three motions provides any reason capable of justifying an in-camera hearing, much less a sufficient reason. The court thus denies these requests for an in-camera hearing presented in Docs. 133, 135, and 137.

At the same hearing on **January 25, 2019, at 1:30 p.m.**, the court also will address plaintiff’s Motion to Compel. That motion was filed in the Western District of Missouri case that now is before this court. *See Judgment Creditor’s Motion to Compel Non-Parties Ephraim*

represent others unless admitted as a member of this court’s bar. *See Perry v. Stout*, 20 F. App’x 780, 782 (10th Cir. 2001) (“Non-attorney pro se litigants cannot represent other pro se parties.”). The court’s records show that none of these four individuals is admitted to practice before our court. So the court denies all aspects of Docs. 133, 134, 135, 136, 137, and 138 that request relief for any person other than the person who has signed the filing.

J. Woods, Jr., Griegory L. Moten, Atif Abdel-Khaliq, and Marvin L. McIntosh to Appear for Depositions, *Ross v. Jenkins*, No. 19-201 (D. Kan. Jan. 10, 2019), ECF No. 1.²

The court directs the Clerk of the Court to mail—via regular mail and Certified Mail—written notice of this hearing: (a) to Mr. Woods, Mr. Moten, and Mr. McIntosh at the address each of them used in Docs. 114, 115, and 116; (b) to Mr. Abdel-Khaliq at 1333 Meadowlark Lane, Suite 203, Kansas City, Kansas, 66102 and 630 Minnesota Avenue, Suite 230, Kansas City, Kansas, 66101; and (c) to Ms. Peach at the address she used in Docs. 133 and 134: 625 McCollough Circle, Baltimore, Maryland, 21201.

IT IS THEREFORE ORDERED BY THE COURT THAT during the scheduled hearing on **January 25, 2019, at 1:30 p.m.**, the court will address the papers that Dana M. Peach, Marvin L. McIntosh, and Griegory L. Moten have filed since the court issued its January 4, 2019, order (Doc. 131). Docs. 133, 134, 135, 136, 137, & 138. This hearing will take place in **Courtroom 476** of the Robert J. Dole United States Courthouse, 500 State Avenue, Kansas City, Kansas. If Ms. Peach, Mr. McIntosh, and Mr. Moten fail to appear for this hearing, they will waive the opportunity to be heard further on the issues they raise in the papers listed above.

IT IS FURTHER ORDERED THAT the court also will address plaintiff's Motion to Compel Non-Parties Ephraim J. Woods, Jr., Griegory L. Moten, Atif Abdel-Khaliq, and Marvin L. McIntosh to Appear for Depositions as part of the accompanying case that the Western District of Missouri has transferred to our court.

IT IS FURTHER ORDERED THAT the Clerk of the Court must mail—via regular mail and Certified Mail—written notice of this hearing to Mr. Woods, Mr. Moten, and Mr.

² Consistent with Federal Rule of Civil Procedure 37(a)(2), plaintiff originally filed her Motion to Compel in the United States District Court for the Western District of Missouri, the judicial district encompassing the location where the witnesses were to appear and testify.

McIntosh at the address each of them used in Docs. 114, 115, or 116. It is further ordered that the Clerk of the Court must mail—via regular mail and Certified Mail—written notice of this hearing to Mr. Abdel-Khaliq at: (a) 1333 Meadowlark Lane, Suite 203, Kansas City, Kansas, 66102; and (b) 630 Minnesota Avenue, Suite 230, Kansas City, Kansas, 66101. It is further ordered that the Clerk of the Court must mail—via regular mail and Certified Mail—written notice of this hearing to Ms. Dana Peach at the address she used in Docs. 133 and 134.

IT IS FURTHER ORDERED THAT Ms. Peach, Mr. McIntosh, and Mr. Moten’s requests for hearing in Docs. 133, 135, and 137 are granted in part, denied in part, and left unresolved in other respects. Specifically, the court grants these non-parties’ requests for a hearing. The hearing that they seek will occur at the time and place specified above. But the court denies the portions of their motions seeking an in-camera hearing or relief for any person other than the person signing each motion. The court will resolve any other request those motions make at a later date.

IT IS SO ORDERED.

Dated this 22nd day of January, 2019, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge