

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

CARTESHA CARSON,)	
)	
Plaintiff,)	Case No. 23-cv-2388-EFM-ADM
)	
vs.)	
)	
GOLDEN OAKS HEALTHCARE, INC.)	
d/b/a THE HEALTH RESORT OF KANSAS)	
CITY,)	
)	
Defendant.)	

ORDER

This matter comes before the court on Defendant Golden Oaks Healthcare, Inc.’s (“Golden Oaks”) Unopposed Motion for Extension of Time to File a Motion to Compel Plaintiff’s Responses to Defendant’s First Set of Discovery Requests. (ECF 24.) By way of this motion, Golden Oaks seeks an extension of the local-rule deadline requiring discovery-related motions to “be filed within 30 days of the default or service of the response, objection, or disclosure that is the subject of the motion.” D. KAN. RULE 37.1(c).

Rule 37.1 was amended effective December 1, 2022. It now states that the court may deny a discovery-related motion “filed after that 30-day period as untimely *unless* the movant demonstrates diligence in attempting to resolve the specific discovery dispute at issue.” *Id.* (emphasis added). Thus, a party who files a motion to compel after the 30-day deadline must demonstrate diligence in the motion to compel itself. The rule does not contemplate an earlier, pro forma motion for an extension of time.

Because of this, the court denies Golden Oaks’s motion as unnecessary. If and when Golden Oaks ultimately files a motion to compel, the court will expect it to demonstrate in the motion itself that it acted with diligence in attempting to resolve the discovery dispute at issue.

IT IS THEREFORE ORDERED that Golden Oaks's Consent Motion for Extension of Time (ECF 24) is denied.

IT IS SO ORDERED.

Dated May 8, 2024, at Kansas City, Kansas.

s/ Angel D. Mitchell
Angel D. Mitchell
U.S. Magistrate Judge