

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

UNITED CAPITAL MANAGEMENT )  
OF KANSAS, INC., and )  
CHAD M. KOEHN, )

Plaintiffs, )

v. )

Case No. 22-cv-4008-JWB-TJJ

MICHAEL E. NELSON, )

Defendant. )

**ORDER**

On January 18, 2023, the undersigned Magistrate Judge held a Status Conference via Zoom video conference. Plaintiffs appeared through counsel, Christopher J. Kellogg and Craig A. Brand. Defendant Michael E. Nelson appeared pro se. This Order summarizes the rulings from the Status Conference.

**1. Monthly status conferences**

The practice of holding monthly status conferences will be discontinued. Status conferences will be set as needed.

**2. Limitations on filings and permission for the filing of future motions**

The Court admonished the parties to stop filing pleadings and documents with personal attacks or unsubstantiated aspersions, and to refrain from including quotes or comments attributed to individuals in their filings, unless the quote is accompanied with an accurate citation to the record supporting it. All motions, briefs, responses, and replies are subject to the maximum page limitations set forth in D. Kan. Rule 7.1(d).

The parties must obtain written permission before filing any motion not already authorized by this Order or the Scheduling Order (ECF No. 122) by first emailing the chambers of the

undersigned Magistrate Judge (with a copy of the email cc'd to all parties) requesting permission to file.

**3. Defendant's motion to disqualify attorney Craig Brand (ECF No. 250)**

For the reasons stated on the record, and incorporated by reference herein, Defendant's Motion to Disqualify Craig Brand is denied.

**4. Withdrawal of Defendant's response to Plaintiffs' motion to quash Hoffman subpoena (ECF No. 261)**

After discussion with the parties, Defendant indicated he would withdraw his response in opposition to Plaintiffs' motion to quash the Hoffman subpoena (ECF No. 261). Defendant's response is hereby withdrawn and the Clerk's Office is instructed to strike it from the record.

**5. Plaintiffs' motion to quash Hoffman subpoena (ECF No. 244)**

For the reasons stated on the record, Plaintiffs' motion is construed as a motion for protective order under Fed. R. Civ. P. 26(c) and granted. Pursuant to Rule 26(c), Rule 26(b)(2)(C) and the Court's inherent authority, the Court enters a protective order prohibiting Defendant's subpoena upon non-party attorney Donald Hoffman. Additionally, based upon the Declarations (ECF No. 270-1) filed by Plaintiffs in reply to the motion and for the reasons set out on the record, the Court grants Plaintiffs' requests for their attorney's fees in preparing the motion to quash, their reply, and in obtaining the referenced Declarations.

**6. New deadlines set by the Court**

The parties were advised that the current Scheduling Order (ECF No. 122) deadlines, including the March 10, 2023 discovery deadline, remain in place. The Court set the following new deadlines, which are summarized in the chart that follows:

**DEADLINES SET AT 1/18/2023 STATUS CONFERENCE**

<u>Event</u>	<u>Deadline</u>
Defendant's deadline to file answer to Second Amended Complaint (ECF No. 341). This extended answer deadline only applies to the filing of an answer and is not extended for any motion to strike or dismiss the Second Amended Complaint.	January 23, 2023
Email confidential settlement reports to chambers ( <a href="mailto:KSD_James_chambers@ksd.uscourts.gov">KSD_James_chambers@ksd.uscourts.gov</a> ) – DO NOT FILE OR CC the opposing party. <sup>1</sup>	January 20, 2023
Plaintiffs and Defendant to file their lists identifying all witnesses (not exceeding 10) each party intends to depose - Include: name, proposed location, general time frame, and whether no-contact order applies to the witness.	January 25, 2023
Plaintiffs' motion for order to show cause re Defendant's supplementation of his responses to interrogatories 1(a)-1(h)	January 25, 2023
Defendant's expedited response to motion for order to show cause	January 30, 2023
Plaintiffs' expedited reply to motion for order to show cause	February 3, 2023
Defendant's motion to compel re requests for production served upon Plaintiffs	January 25, 2023
Defendant's motion to compel re interrogatories or requests for admission served upon Plaintiffs	February 1, 2023
Plaintiffs' expedited responses to motions to compel discovery filed by Defendant – no replies will be permitted unless requested by the Court	1 week from date motion filed
Plaintiffs' motion requesting permission for Rule 35 examination of Defendant	January 25, 2023
Defendant's expedited response to any motion for Rule 35 examination – reply permitted unless requested by the Court.	1 week from date motion filed
Plaintiffs' statement of attorneys' fees incurred in filing the motion to quash the Hoffman subpoena (ECF No. 244)	January 31, 2023
Identification and service of the operative pleading upon all John or Jane Does	February 17, 2023

<sup>1</sup> The confidential settlement reports should include the parties' respective positions and views regarding the case and settlement, any settlement offers exchanged, whether further mediation may be worthwhile, and whether the parties would be willing to have the undersigned Magistrate Judge or another Magistrate Judge conduct the mediation.

IT IS SO ORDERED.

Dated January 18, 2023, at Kansas City, Kansas.

A handwritten signature in cursive script, reading "Teresa J. James", positioned above a horizontal line.

Teresa J. James  
U.S. Magistrate Judge