

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

EZEKIEL ADAIR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 14-1174-EFM-KGG
	)	
WICHITA PUBLIC SCHOOLS	)	
(USD 259), <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

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**ORDER GRANTING IN PART  
PLAINTIFF'S MOTION TO COMPEL  
AND ORDERING IN CAMERA REVIEW**

Plaintiff, who is bringing this case *pro se*, requested the production of “writings/statements and or documents regarding the investigation of” two persons directly involved in the circumstances that form the basis of Plaintiff’s Complaint. In response, Defendants stated, “[w]e are not aware of any investigations of [the named persons] that relates [sic] to plaintiff in any way.” Plaintiff now moves to compel production of these materials. (Doc. 41.) Defendants respond that the materials are not relevant because the investigations did not involve Plaintiff and that the materials are confidential.

Defendants also object that Plaintiff has not complied with D. Kan. Rule 37.2 by meeting and conferring with defense counsel. The facts indicate that the

communication among the parties concerning this dispute was minimal and ineffective. However, under the peculiar circumstances of this case the Court declines to apply this as a bar to relief.

Plaintiff has made only a minimal showing of the potential relevance of the requested information, although it seems reasonable that an investigation close in time to the events that form the basis of Plaintiff's allegations of the persons who are primary subjects of Plaintiff's complaints might lead to evidence relevant to this case. The Court also recognizes that the "investigation," which Defendants represent contains confidential information, may be inappropriate for general disclosure.

**IT IS THEREFORE ORDERED**, that within 14 days of the date of this Order, Defendants produce to the Court for inspection by the undersigned Magistrate Judge only (*in camera* inspection) the documents described in Plaintiff's Request for Production number 18.<sup>1</sup> The Magistrate Judge will review those documents and determine which, if any, are within the scope of discovery and should be provided to Plaintiff. If documents are ordered to be produced, the Court will enter an appropriate protective order to limit the use of the documents

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<sup>1</sup>The documents may be submitted electronically in .pdf format by sending to chambers e-mail [ksd\\_Gale\\_Chambers@ksd.uscourts.gov](mailto:ksd_Gale_Chambers@ksd.uscourts.gov) or delivered in paper format to the Magistrate Judge in person or by mail.

and protect their confidentiality.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas, on this 5<sup>th</sup> day of March, 2015.

/s KENNETH G. GALE

KENNETH G. GALE

United States Magistrate Judge