

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

James Linlor,

Plaintiff,

v.

John Holman, Marcella Warner Holman,
Black Diamond Angus Ranch Partnership,
Black Diamond Angus Ranch, LLC, and
Warner Angus Ranch Morgans

Defendants.

Case No. 24-1001-DDC-GEB

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Compel and to Amend Scheduling Order (ECF No. 98). After consideration of Plaintiff's Motion (ECF No. 98), Defendant's Response (ECF No. 103), Plaintiff's Reply (ECF No. 105), and hearing the oral argument of the Parties at the March 6, 2025 Status Conference the Court **DENIED in part and SUSTAINED in part** Plaintiff's Motion to Compel and to Amend Scheduling Order (**ECF No. 98**). The Court's order is memorialized below.

I. Plaintiff's Motion to Compel (ECF No. 98)

The Court began by addressing the outstanding discovery Plaintiff sought to compel after Defendants served their responses and objections on January 22, 2025. Plaintiff served an initial set of 13 Interrogatories and the Defendants objected to Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12. After addressing the relevancy of each Interrogatory in turn, the Court sustained Defendants' relevance objections to Interrogatories Nos. 5, 6, 8, 9, and 12

in accordance with the Court's relevancy determinations during the hearing. Regarding Interrogatories Nos. 1, 2, 4, 7, 10 & 11, the Court sustained in part and denied in part Defendants' objections. Defendants are to supplement their responses to these Interrogatories in accordance with the Court's discussions at the Status Conference no later than **March 13, 2025**. These responses should include, but are not limited to, who worked on the land and in what capacity they did so for the relevant time period, who this matter was discussed with and the nature of those communications, if there were animals on the land, how many, and what they were doing on the land, and whether the Defendants have other written or oral leases for farm land outside of the pasture in this case.

The Court then addressed Plaintiff's objection to Defendants' Privilege Log served on Plaintiff on January 22, 2025. Plaintiff argues the entries from 3/17/2023, Defendants contend are attorney-client communications, are necessary to prove his unfair competition claims and thus cannot be protected by attorney-client privilege. The Court ordered Defendants to produce the two entries on the privilege log for 3/17/2023 for in-camera review no later than **March 13, 2025**. The Court will then determine if the privilege applies to these entries or if an implicit waiver is present.

Lastly, the Court addressed Plaintiff's four Requests for Production. After discussing the information Plaintiff sought to glean from each, the Court determined all KSU emails were irrelevant to the present claims in this matter. The Court did find, however, the emails requested from the Black Diamond Angus Gmail are relevant to the case and ordered Defendants produce all relevant emails to the case for the time period between 6/1/2022 and 12/1/2024 to Plaintiff no later than **March 28, 2025**.

II. Plaintiff's Motion to Amend Scheduling Order (ECF No. 98).

Plaintiff's Motion also requested a 90-day extension of all discovery deadlines. The Court denied this request but sustained in part regarding Plaintiff's deadline to file a Motion for Leave to Amend. Plaintiff will have until **April 11, 2025** to file any motion seeking leave to amend his Complaint.

The Court determined the rest of the schedule would not need to be enlarged where parties are moving towards depositions and agreed to three dates at the Status Conference. The Court's calendar reflects parties will conduct depositions in Wichita, Kansas at the U.S. Courthouse, 401 N Market St, Wichita, KS 67202, Jury Room 328 from April 21-23, 2025. Parties are to file their notices on the electronic docket.

IT IS SO ORDERED.

Dated March 7, 2025 at Wichita, Kansas.

s/ Gwynne E. Birzer
GWYNNE E. BIRZER
U.S. Magistrate Judge