

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

SAMUEL K. LIPARI,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 2:07-cv-02146-CM
	)	
U.S. BANCORP and	)	
U.S. BANK NATIONAL ASSOCIATION,	)	
	)	
<i>Defendants.</i>	)	

**OBJECTION TO THE MAGISTRATE’S ORDER DENYING EXTENSION OF DISCOVERY**

Comes now, the plaintiff Samuel K. Lipari appearing pro se and respectfully objects to the magistrate’s order denying an extension of discovery.

**STATEMENT OF FACTS**

1. The magistrate found on 6/03/2008 that the plaintiff had not stated adequate cause for extending discovery.
2. The plaintiff asserted that the defendants’ assertion of a blanket protection against production of documents the defendants plan to use in their defense despite the requirement to produce them under Rule 26 and the defendants’ assertion of a blanket protection against all documents sought by the plaintiff for the purpose of proving his claims.
3. The assertion of a blanket protection within ten days of a request for production triggers an automatic stay of discovery under local rules.
4. The court has not ruled on the defendants’ motions for blanket protection.

**MEMORANDUM IN OPPOSITION**

The magistrate’s finding contradicts the local rules of the district court which inherently presume the assertion of a timely motion for protection against production of discovery is adequate cause for staying production and rescheduling subsequent discovery after the court determines the applicability of protection.

The local rules state:

“RULE 26.2 MOTIONS FOR PROTECTIVE ORDERS The filing of a motion for a protective order pursuant to Fed. R. Civ. P. 26(c) or 30(d) shall stay the discovery at which the motion is directed pending order of the court... Pending resolution of any motion which stays a deposition under this rule, neither the objecting party, witness, nor any attorney shall be required to

appear at the deposition to which the motion is directed until the motion has been ruled upon or otherwise resolved. “ [ Emphasis added]

Kansas District Court Local Rule 26.2.

The magistrate’s ruling denying the plaintiff’s motion for extension of discovery appears to be clear error and contrary to the public interest as expressed in the rules of this court.

Respectively submitted,

S/Samuel K. Lipari

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Samuel K. Lipari

*Pro se*

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 12th day of June, 2008, by email to:

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S/Samuel K. Lipari

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