

DJW/byk

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

SHIRLEY WILLIAMS, et al.,

Plaintiffs,

CIVIL ACTION

v.

No. 03-2200-JWL-DJW

**SPRINT/UNITED MANAGEMENT
COMPANY,**

Defendant.

ORDER

Plaintiffs have requested an order compelling Defendant to provide an exact duplicate of the index Defendant referenced and shown to Plaintiffs in open Court at the January 19, 2006 discovery conference and for a telephone conference on the issue.¹

At the January 5, 2006 discovery conference, and memorialized in its January 6, 2006 Order (doc. 3533), the Court ordered Defendant to produce, in their native electronic format, all spreadsheets that Defendant had previously produced to Plaintiffs in non-electronic format only and that are available to Defendant in electronic format. At the January 19, 2006 discovery conference, Defendant advised the Court of its progress in complying with the Court's Order. Defendant advised the Court that it was comparing the spreadsheets that it had already produced in electronic format with the ones produced in hard copy and it was generating an index that would tell it the answer to

¹Plaintiffs' request, as well as Defendant's response and Plaintiffs' reply were e-mailed to the Court. This e-mail exchange is attached as Exhibit 1 to this Order.

that question.² With the caveat that the index was not yet finished, Defendant provided its “work in progress” index to Plaintiffs for review. Defendant stated at the discovery conference that the finalized index would be provided to Plaintiffs the next day.³ Defendant further explained that the index would show: the Bates number of the documents Defendant produced in response to Judge Lungstrum’s August 12, 2005 Order, the title of that spreadsheet, and the native format production number.⁴

Plaintiffs advised the Court by email on January 23, 2006 that the document it received from Defendant was neither in the form of the index Defendant represented that it would produce, nor did it contain all of the information that was shown in Defendant’s “work in progress” index referenced and shown at the January 19, 2006 discovery conference. Defendant responded by claiming that it has several reasons why it did not provide the “work in progress” index referenced and shown at the January 19, 2005, but provided an index “identifying the spreadsheets previously produced in hard copy in response to Judge Lungstrum’s August 12, 2005 Order which had already been produced in native, electronic format in response to [Judge Waxse’s] previous orders.”⁵

Based on the Court’s review of the parties’ e-mails on this matter, the Court denies the relief sought by Plaintiffs at this time. Counsel are ordered to confer in person to attempt to resolve this issue. If they cannot resolve the issue, it will be taken up at the next discovery conference.

IT IS SO ORDERED.

²Jan. 19, 2006 Discovery Conf Transcript (Tr.) p. 3, l. 18-25.

³Jan. 19, 2006 Tr. p. 4, l. 10.

⁴Jan. 19, 2006 Tr. p. 4, l. 15-18.

⁵Defendant’s E-mail response attached as Exh. 1 to this Order.

Dated in Kansas City, Kansas on this 24th day of January, 2006.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

cc: All counsel