

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Pat Apple

In the matter of the failure of Benjamin M.) Docket No. 18-CONS-3057-CPEN
Giles (“Operator”) to comply with K.A.R. 82-)
3-111 at the Paulsen #1 in Butler County,) CONSERVATION DIVISION
Kansas.)
_____) License No. 5446

**MOTION TO EXTEND THE DISCOVERY CUT-OFF
PRESCRIBED BY THE PROCEDURAL SCHEDULE**

Benjamin M. Giles (“Operator”) files this Motion requesting that the discovery cut-off set forth in the procedural schedule entered in this docket be extended to February 19, 2018. In support of his Motion, Operator states as follows:

1. On November 8, 2017, the prehearing officer entered an order establishing the procedural schedule in this docket.
2. On January 10, 2018, the procedural schedule was modified in accordance with the prehearing officer’s Order Granting Continuance. As modified by that Order, the current procedural schedule is as follows:

Discovery Cut-Off	January 29, 2018
Staff’s Pre-filed Direct Testimony	February 19, 2018
Operator’s Pre-filed Direct Testimony	February 26, 2018
Rebuttal Testimony	March 5, 2018
Evidentiary Hearing	March 15, 2018 @ 10:00 a.m. 266 N Main, Suite 220 Wichita, KS 67202

3. Staff and Operator are in the process of negotiating a settlement in this docket and several other dockets. It is in the mutual interest of Staff and Operator to avoid spending time and

resources conducting discovery and holding an evidentiary hearing if a settlement agreement can be reached.

4. Operator has consulted with Staff about extending the discovery deadline date from January 29, 2018, to February 19, 2018, to facilitate further settlement negotiations, and Staff agrees such an extension is appropriate.

5. Accordingly, Operator requests that the procedural schedule entered in this docket be modified so that the deadline date to serve discovery requests is February 19, 2018.

WHEREFORE, Operator requests that this motion be granted.

Respectfully submitted,

MORRIS, LAING, EVANS, BROCK
& KENNEDY, CHARTERED

By: 

Jonathan A. Schlatter, #24848

300 N. Mead, Suite 200

Wichita, KS 67202-2745

Telephone - (316) 262-2671

Facsimile - (316) 262-6226

Email - jschlatter@morrislaing.com

Attorneys for Benjamin M. Giles

CERTIFICATE OF SERVICE

I certify that on this 25th day of January, 2018, I filed this Motion with the Kansas Corporation Commission via e-filing express, and caused a true and correct copy of the same to be sent by email to the following individuals:

Jonathan R. Myers, Litigation Counsel
Kansas Corporation Commission
j.myers@kcc.ks.gov

Dustin L. Kirk, Deputy General Counsel, Prehearing Officer
Kansas Corporation Commission
d.kirk@kcc.ks.gov



Jonathan A. Schlatter, #24848