

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Ian Lynch v. The Andersons Executive Services LLC, et al.

Lynch v. The Andersons · No. 25-2148-KHV-BGS · Decided December 23, 2025

SUMMARY

The United States District Court for the District of Kansas rules on Defendants’ motion to compel discovery in Ian Lynch’s employment discrimination and retaliation action. The court grants the motion in part, requiring supplemental discovery responses concerning employment-search documents and privilege assertions, while denying requests concerning attorney-fee agreements and certain telephone records. The order is signed by Magistrate Judge Brooks G. Severson on December 23, 2025.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Brooks G. Severson
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 23, 2025
DOCKET	25-2148-KHV-BGS
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to compel discovery in an employment-discrimination action removed from Kansas state court. The magistrate judge granted the motion in part and denied it in part, and also denied Plaintiff’s motion to file a surreply.
STANDARD OF REVIEW	Discovery is governed by Federal Rule of Civil Procedure 26(b)(1), requiring information to be nonprivileged, relevant, and proportional to the needs of the case. Under Rule 37, the party resisting discovery bears the burden of establishing lack of relevance or that marginal relevance is outweighed by the potential harm of disclosure when relevance is apparent; otherwise, the requesting party bears the burden of demonstrating relevance.
PRECEDENTIAL VALUE	Unpublished trial-court memorandum and order; precedential status is unknown.

TOPICS

discovery dispute

civil procedure

employment discrimination

title vii

ada / disability

PRACTICE AREAS

civil procedure

employment law

employment discrimination

civil rights

ada / disability

QUESTIONS PRESENTED

1. Whether Defendants were entitled to discovery concerning Plaintiff's attorney-fee agreement and claimed attorney-fee damages before Plaintiff filed a motion for attorney fees.
2. Whether Plaintiff had to provide a supplemental discovery response clarifying whether all documents relating to his efforts to obtain subsequent employment had been produced.
3. Whether Defendants were entitled to an order compelling production of Plaintiff's personal telephone logs and text messages.
4. Whether Plaintiff had to supplement his privilege log and discovery responses concerning documents withheld on the basis of privilege.

HOLDINGS

1. Discovery into Plaintiff's attorney fees and fee agreement was premature and was not compelled before a motion for attorney fees had been filed.
2. Plaintiff was required to provide a supplemental discovery response specifically stating whether all responsive documents concerning his efforts to obtain employment had been produced.
3. The motion to compel telephone logs and text messages was denied because Plaintiff represented that he had produced responsive text messages and had offered to cooperate in subpoenaing call logs from his cellular provider.
4. Plaintiff was required to supplement his privilege log if additional responsive information was being withheld on the basis of privilege and to state whether any additional privileged responsive documents existed.

KEY QUOTATIONS

“To be discoverable, the information sought must be nonprivileged, relevant, and proportional to the needs of the case.” (Analysis § I)

“Simply stated, discovery into attorneys’ fees is “simply not relevant” until a motion for attorneys’ fees is made “and if the parties are unable to reach an agreement [as to those fees] by consultation” (Analysis § II.A)

“The purpose of a privilege log is to provide the opposing party and the Court with enough information to evaluate the claim of privilege.” (Analysis § II.D)

FACTUAL BACKGROUND

Plaintiff alleges that Defendants subjected him to sex-based stereotyping and removed him from a Manager in Training program after he complained about an allegedly sexist supervisor and disclosed his wife's cancer diagnosis. His claims included employment discrimination and retaliation theories, including claims under Title VII, the ADAAA, and the FMLA. In discovery, Defendants sought information concerning damages and attorney-fee agreements, Plaintiff's efforts to obtain subsequent employment, telephone and text records, and documents withheld under a privilege claim.

PROCEDURAL HISTORY

Plaintiff filed suit in the District Court for Johnson County, Kansas, and Defendants removed the action under 28 U.S.C. § 1331. Plaintiff later amended his complaint to assert claims under Title VII, the Americans with Disabilities Act Amendments Act, and the Family and Medical Leave Act. The district court dismissed Plaintiff's Title VII associational-discrimination count. After a discovery conference and Plaintiff's supplemental discovery responses, Defendants filed the motion to compel addressed in this order.

DISPOSITION

other

CASES CITED

- Holick v. Burkhart, No. 16-1188-JTM-KGG, 2018 WL 372440, at *2 (D. Kan. Jan. 11, 2018)
- Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 351 (1978)
- Beatty v. Kansas Athletics, Inc., No. CV 19-2137-KHV, 2020 WL 1862563, at *2 (D. Kan. Apr. 14, 2020)
- Brecek & Young Advisors, Inc. v. Lloyds of London Syndicate 2003, No. 09-2516-JAR, 2011 WL 765882, at *3 (D. Kan. Feb. 25, 2011)
- Swackhammer v. Sprint Corp. PCS, 225 F.R.D. 658, 661, 662, 666 (D. Kan. 2004)
- Jayhawk Cap. Mgmt., LLC v. LSB Indus., Inc., No. 08-2561-EFM, 2010 WL 11564949 (D. Kan. Dec. 2, 2010)
- Newman v. Union Pacific R.R. Co., No. 12-2518-JTM-KGG, 2013 WL 1308977, at *1 (D. Kan. Mar. 28, 2013)
- EEOC v. BNSF Ry. Co., No. 12-2634-JWL-KGG, 2014 WL 2589182, at *7 (D. Kan. June 10, 2014)
- Coffeyville Res. Ref. & Mktg., LLC v. Liberty Surplus Ins. Corp., No. 08-1204-WEB-KMH, 2009 WL 2913535, at *5 (D. Kan. Sept. 4, 2009)
- Baxter Healthcare Corp. v. Fresenius Med. Care Holding, Inc., 2008 WL 5214330 (N.D. Cal. Dec. 12, 2008)
- Box Elder Kids, LLC v. Anadarko E& P Onshore, LLC, No. 20-2352-WMJ-SKC, 2023 WL 5042922, at *2 (D. Colo. Aug. 8, 2023)
- Progressive Northwestern Ins. Co. v. Gant, No. 15-9267-JAR-KGG, 2017 WL 3530843, at *6 (D. Kan. Aug. 16, 2017)
- J&M Indust., Inc. v. Raven Indus., Inc., 2018 WL 1427952, at *6 (D. Kan. Mar. 22, 2018)

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