

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

**DISABILITY RIGHTS COUNCIL OF
GREATER WASHINGTON *et al.*,**

Plaintiffs,

v.

**WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY,**

Defendant.

Civ. A. No. 04-498 (HHK/JMF)

ORDER

This case was referred to me for resolution of discovery disputes. Currently pending before me is Logisticare, Inc.'s Motion for Order Apportioning Costs of Subpoena Compliance [#40] ("Motion for Costs"). Briefing on the motion was previously stayed pending settlement discussions in this matter and, to date, no deadline for filing an opposition or reply has been set. It is possible that the Washington Metropolitan Area Transit Authority ("WMATA") may implead Logisticare, Inc. ("Logisticare") in this matter as a third-party defendant and Judge Kennedy has established a March 17, 2006 deadline for WMATA to elect to do so. If Logisticare is made a party to this action, then its status as a party would have a significant impact on the resolution of its Motion for Costs. For these reasons, it is, hereby, **ORDERED** that Logisticare's Motion for Costs is **DENIED** without prejudice to refile after either Judge Kennedy has resolved any motion for leave to file a third-party complaint against Logisticare or, if no such motion is filed, the expiration of the date by which such motion was required to have been filed.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: