

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

WALEED ABDUL-QAWIY,

Plaintiff,

v.

**NATIONAL RAILROAD PASSENGER
CORP., et al.,**

Defendants.

**Civil Action 04-01030
(HHK)**

O R D E R

On November 1, 2006, Magistrate Judge Alan Kay issued a report and recommendation regarding defendant's first and second renewed motions to dismiss [## 30, 37]. Magistrate Judge Kay concluded, for the reasons set forth in his report and recommendation, that the second renewed motion should be denied without prejudice and the first renewed motion should be denied as moot, and further concluded that plaintiff should be directed to sign his supplemental discovery responses under oath within five business days of the entry of this order and, moreover, in the event defendant learns that plaintiff has withheld evidence, plaintiff should be precluded from using that evidence in support of his claims. After the issuance of the report, plaintiff filed a response to the report and recommendation, in which he represented that he has signed his supplemental discovery responses. Having reviewed the magistrate judge's report and recommendation and the record of this matter, it is this 21st day of November, 2006, hereby

ORDERED that the Report and Recommendation of Magistrate Judge Alan Kay, dated November 1, 2006, be adopted in part; and it is therefore

ORDERED that, in the event defendant learns after the entry of this order that plaintiff has withheld evidence, plaintiff shall be precluded from using that evidence in support of his claims; and it is further

ORDERED that defendant's second renewed motion to dismiss [#37] is denied without prejudice; and it is further

ORDERED that defendant's first renewed motion to dismiss [#30] is denied as moot.

Henry H. Kennedy, Jr.
United States District Judge