[DO NOT PUBLISH]

In the

United States Court of Appeals

For the Eleventh Circuit

No. 21-13807

Non-Argument Calendar

HOWARD L. TAYLOR,
SONYA R. TAYLOR,

Plaintiffs-Appellants,

versus

FARM CREDIT OF NORTH FLORIDA ACA,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 4:20-cv-00059-AW-MJF

Before ROSENBAUM, JILL PRYOR, and GRANT, Circuit Judges.

PER CURIAM:

Howard and Sonya Taylor are a married couple who wanted to purchase more than 300 acres of land in northwest Florida to build their retirement home and farm and timber the land to supplement their retirement income. To finance part of the purchase price, they applied for an agricultural loan from Farm Credit of North Florida ACA ("Farm Credit" or "FCNF"), among other lenders. Farm Credit denied their loan application, and its Credit Review Committee upheld the denial.

The Taylors then filed this lawsuit alleging race discrimination under the Equal Credit Opportunity Act, the Florida Fair Housing Act, and 42 U.S.C. § 1981. Howard and Sonya state that they are Black, and that Sonya also is of Native American descent. Ultimately, the district court granted summary judgment in favor of Farm Credit, concluding that the evidence of record was insufficient to create a triable issue of pretext regarding Farm Credit's reasons for denying credit.

On appeal, the Taylors primarily contend that the district court denied them an adequate opportunity to complete discovery before ruling on Farm Credit's motion for summary judgment. They assert that the court abused its discretion first by denying their motion to compel loan records possessed by Farm Credit that were relevant to proving their discrimination claims, and then by

denying their request to delay or defer ruling on the motion for summary judgment under Rule 56(d), Fed. R. Civ. P. After careful review, we affirm.

I.

In March 2019, the Taylors entered into a contract to purchase over 300 acres of land in northern Florida for $815,000. They sought to build a retirement home and generate income from the land, which was suitable for ranching, farming, and timbering. Howard, who is African American, and Sonya, who is "of African American and Native American descent," intended to finance part of the purchase price (approximately $650,000) through a federal loan guarantee program for socially disadvantaged groups, from the Farm Credit System, a federally regulated, nationwide network of borrower-owned lending institutions. The Taylors initially applied with Farm Credit of Southwest Georgia and believed they had been approved. But before closing, they were transferred to FCNF and forced to begin the approval process anew.

The Taylors had been warned that "minority credit applicants, particularly [B]lack borrowers, did not fare well with FCNF." According to statistics compiled by the Taylors, from 2010 to 2020, Farm Credit issued nearly $350,000,000 in loans secured by real estate mortgages, but just 0.67% of this amount went to Black borrowers (38 total), while over 98% went to white borrowers (2,100 total).

Farm Credit denied the Taylors' loan application, citing reasons of past bankruptcies, insufficient income, excessive obligations relative to income, and an unfavorable current financial position. Believing that Farm Credit had relied on incorrect or incomplete information, the Taylors appealed the denial to Farm Credit's Credit Review Committee. Before the start of the hearing, Chairman Richard Terry engaged the Taylors in discussion about "ethnic foods that carry racial overtones," including chitlins and collard greens, which made them feel degraded, humiliated, and embarrassed. Ultimately, the Credit Review Committee upheld the denial of credit. The Taylors believe that Farm Credit applied different standards to them to deny their loan application, and that the reasons it offered were a pretext to conceal its discriminatory practices against Black borrowers.

A. Motion to Compel

During discovery, the Taylors viewed Farm Credit's loan records as critical to establishing similarly situated comparators and supporting their discrimination claims. The Taylors' first request for production, served in September 2020, sought copies of all of Farm Credit's loan origination data from March 2017 and December 2019, among other things. Farm Credit objected to the request as overbroad, unduly burdensome, and not proportional to the needs of the case. Farm Credit advised that it was "ready to meet and confer and to produce documents responsive to an appropriately tailored request." No agreement was reached, though.

Instead, in April 2021, after the filing of the second amended complaint in February 2021 and extensions of the discovery period through June 2021, the Taylors served a second request for production seeking all "Account Data and Underwriting Information related to all Loan Applicants in the past five (5) years who applied for a Loan." The request noted that the responses should be "redacted of all personal information identifiers" but should include fifteen specified pieces of information for each applicant. Farm Credit again objected that the request was overbroad, unduly burdensome, and not proportional to the needs of the case, since it covered all loans, "without regard to the type of loan requested," and not just loans comparable to the loan requested by the Taylors. In Farm Credit's view, for example, a $25,000 line of credit was not comparable to a $650,000 real estate loan. Farm Credit also said that federal and state law prevented the disclosure of personal information, and that "the labor required to redact thousands, if not tens of thousands, of records" was unduly burdensome and not justified by the needs of the case. Farm Credit again invited the Taylors to narrow the request.

The Taylors responded by moving to compel production of the loan data, and requesting oral argument. In their view, the request was "directly relevant to locating comparator evidence" and to the criteria Farm Credit applied in the Taylors' case and other cases, and they should not be limited to similar loans because the focus of the comparator inquiry was "on the borrower, not the product." Farm Credit opposed the motion, arguing that the

request was not reasonably limited in scope and would require the "production of hundreds (or thousands) of irrelevant loan applications."

About a month later, on June 15, 2021, the district court denied the motion to compel without a hearing, finding that the burden and expense of the proposed discovery outweighed its likely benefit. In the court's view, the Taylors' request was "overbroad" because it sought the files for all loan applicants over a five-year period and "would thus cover loans and applicants nothing like the proposed loan and the applicants at issue here." And the likely benefit of the proposed discovery was "low" or "marginal," according to the court, because there was "no indication" that many of the "voluminous" requested files would relate to loan applicants who could be valid comparators. Finally, the court found that the burden and expense to produce the proposed discovery was "great," because it covered "detailed files of hundreds, if not thousands, of borrowers" and would require redaction of personal information.

B. Motion for Summary Judgment

About a month later, Farm Credit moved for summary judgment. Responding in opposition, the Taylors first requested that the district court deny or defer summary judgment as premature under Rule 56(d), Fed. R. Civ. P. They said they had been denied a meaningful opportunity to obtain essential discovery, which was relevant for three reasons: (a) "to locate comparator evidence"; (b) "to obtain proof that the Taylors were qualified for the loan they

sought"; and (c) "to validate the statistical evidence compiled by the Taylors and establish their statistical significance."

In granting Farm Credit's motion for summary judgment, the district court first rejected the Taylors' arguments that they had not received a full and fair opportunity for discovery and denied their request for delay under Rule 56(d). In the court's view, the Taylors' briefing made clear that they did not seek "extra time to pursue more narrowly tailored discovery," but rather sought the full scope of information originally requested. The court explained that it had already declined to compel production of that proposed discovery because it was "not narrowly targeted to yield valid comparators and it imposed significant burden and expense on Farm Credit." The district court also reasoned that the Taylors had more than sufficient time for full discovery. It noted that the Taylors could have acted sooner by requesting reconsideration of the original ruling or seeking to reopen discovery to permit a narrower request for production. It also observed that, after Farm Credit objected to the Taylors' first request for voluminous loan documents, they never moved to compel production, and they did not serve a revised request for production until nearly seven months after the original one.

Turning to the merits, the district court concluded that, without any comparator evidence, the Taylors could not establish a triable issue of race discrimination in relation to the denial of their loan application. The court stated that it could not draw a reasonable inference in the Taylors' favor based on the statistical evidence

they presented without other evidence "contextualizing the Taylors' data." This appeal followed.

II.

We review the grant of summary judgment *de novo*. *Patterson v. Ga. Pacific, LLC*, 38 F.4th 1336, 1345 (11th Cir. 2022). We review for an abuse of discretion the denial of a motion to compel discovery, *Josendis v. Wall to Wall Residence Repairs, Inc.*, 662 F.3d 1292, 1306 (11th Cir. 2011), and the denial of a motion under Rule 56(d) of the Federal Rules of Civil Procedure, *Burns v. Town of Palm Beach*, 999 F.3d 1317, 1330 (11th Cir. 2021). The abuse-of-discretion standard "means that a district court is allowed a range of choice in such matters, and we will not second-guess the district court's actions unless they reflect a clear error of judgment." *Holloman v. Mail-Well Corp.*, 443 F.3d 832, 837 (11th Cir. 2006) (quotation marks omitted). So we will not upset a court's discovery ruling where "its decision was within the realm of reasonable choices allotted to it." *Josendis*, 662 F.3d at 1306, 1310.

Parties may obtain discovery on any nonprivileged matter that is relevant to a claim or defense and "proportional to the needs of the case." Fed. R. Civ. P. 26(b)(1); *see Wright v. AmSouth Bancorporation*, 320 F.3d 1198, 1205 (11th Cir. 2003) ("[T]he information sought must be relevant and not overly burdensome to the responding party."). Relevance for discovery "has been construed broadly to encompass any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case." *Akridge v. Alfa Mut. Ins. Co.*, 1 F.4th 1271,

1276 (11th Cir. 2021) (quotation marks omitted). Proportionality concerns include the importance of the requested discovery, the parties' relative access to the information, and "whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1).

Rule 56(d) permits a court to "defer" or "deny" a motion for summary judgment, allow additional time for discovery, or issue an appropriate order "[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition." Fed. R. Civ. P. 56(d). The party seeking relief under Rule 56(d) must "specifically demonstrate how postponement of a ruling on the motion will enable them, by discovery or other means, to rebut the movant's showing of the absence of a genuine issue of fact." *Burns*, 999 F.3d at 1334 (cleaned up). Summary judgment may be premature when a motion to compel discovery is pending, *see Snook v. Trust Co. of Ga. Bank of Savannah, N.A.*, 859 F.2d 865, 870–71 (11th Cir. 1988), and *Fernandez v. Bankers Nat'l Life Ins. Co.*, 906 F.2d 559, 570–71 (11th Cir. 1990), or where important discovery remains ongoing, *see Jones v. City of Columbus, Ga.*, 120 F.3d 248, 253–54 (11th Cir. 1997).

III.

On appeal, the Taylors maintain that the district court abused its discretion by denying them access to relevant information possessed by Farm Credit, that they viewed as necessary to defend against the motion for summary judgment. From the Taylors' perspective, the court failed to consider all the proper factors,

relied on conclusory statements as to the burdens involved in production and redaction of the requested discovery, and made a clear error of judgment by focusing solely on the comparator purpose of the discovery.

Here, the district court did not abuse its broad discretion to manage pretrial discovery. *See Klay v. All Defendants*, 425 F.3d 977, 982 (11th Cir. 2005). No one disputes that at least some of the information requested was relevant to the case, whether to establish a "similarly situated comparator" who was treated more favorably, *Lewis v. City of Union City, Ga. (Lewis I)*, 918 F.3d 1213, 1227–28 (11th Cir. 2019) (*en banc*), to show the "general standard[s]" that were applied to others in comparison to the plaintiffs, *Adkins v. Christie*, 488 F.3d 1324, 1331 (11th Cir. 2007), or to develop statistical evidence suggesting that an individual decision conformed to a general pattern of discrimination and so is pretextual, *Sweat v. Miller Brewing Co.*, 708 F.2d 655, 658 (11th Cir. 1983).

But the problem is that the Taylors' discovery request was clearly overbroad. Their discrimination claims were based on the denial of a real-estate loan, so the natural focus of any meaningful comparison would be other real-estate loan files. *Cf. Earley v. Champion Int'l Corp.*, 907 F.2d 1077, 1085 (11th Cir. 1990) (limiting discovery about an employment decision to the local employing unit, the "natural focus" of the inquiry). But the Taylors instead requested all loan files indiscriminately, including equipment loans and lines of credit of any size, without any attempt to narrow the

inquiry with an eye for potential comparators. *See Lewis I*, 918 F.3d at 1227–28 (stating that valid comparators must be "similarly situated in all material respects").

Aside from locating comparators, the Taylors' other purposes do not support the scope of the request. The discovery request swept more broadly than necessary to provide context for the statistical evidence they had compiled, which related to the narrower category of loans secured by real-estate mortgages. And the Taylors have offered no reason to believe that a narrower request would have been inadequate to establish Farm Credit's qualification standards or a general pattern of discrimination relevant to their claim. *See Adkins*, 488 F.3d at 1331 (finding an abuse of discretion where a discovery limitation prevented a plaintiff from "plac[ing] his case in the context of larger disciplinary processes of the hospital" and so "place[d] an excessive burden on his ability to pursue his claim"). The mere "possibility that loose and sweeping discovery might turn up something" indicative of discrimination "does not show particularized need and likely relevance" that would justify the sweeping scope of the discovery request. *See Earley*, 907 F.2d at 1085 (stating that a plaintiff seeking "much broader discovery" than the "natural focus of the inquiry" generally must show "particularized need and likely relevance").

For similar reasons, the district court also reasonably concluded that the discovery request was unduly burdensome and not proportional to the needs of the case. The Taylors do not dispute the necessity of redacting personal-information identifiers in the

loan files. They argue, though, that the court abused its discretion by not requiring a "specific showing" by Farm Credit of "the time and expense that might be required to conduct redaction." We are not persuaded that such a detailed showing was required here.

Farm Credit's objection to the request for production was specific enough to make clear the factual grounds for its objection. *See Panola Land Buyers Ass'n v. Shuman*, 762 F.2d 1550, 1559 (11th Cir. 1985) (stating that objections to discovery should be plain and specific). And its representations regarding the voluminous nature of the loan files were supported by the Taylors' own evidence that Farm Credit made over 2,000 secured real-estate loans over a 10-year period. Given the expansive scope of the discovery request, which swept in loan files regardless of loan type or amount, the court did not need more detailed information to reasonably conclude that the request was unduly burdensome and not proportional to the needs of the case.

Nor were the Taylors denied a full and fair opportunity to conduct discovery—which spanned from April 2020 to June 2021—before the district court ruled on the summary-judgment motion. *See Fla. Power & Light Co. v. Allis Chalmers Corp.*, 893 F.2d 1313, 1316 (11th Cir. 1990) ("Before entering summary judgment the district court must ensure that the parties have an adequate opportunity for discovery."); Fed. R. Civ. P. 56(d). This is not a case where the court granted summary judgment while a motion to compel remained pending or discovery remained ongoing. *See Jones*, 120 F.3d at 253–54; *Fernandez*, 906 F.2d at 570–71; *Snook*,

859 F.2d at 870–71. Rather, when the court ruled on summary judgment in October 2021, discovery had closed, and the court had (reasonably) denied the Taylors' motion to compel.

Importantly, the district court did not wholly prevent the Taylors from obtaining Farm Credit's loan records. Nothing in the court's orders suggests the court would have denied a more tailored request for loan data. Farm Credit has never disputed that at least some loan files were relevant and discoverable. Yet it appears the Taylors "made no attempt to narrow [their] request to something more meaningful and relevant during the discovery period despite an appropriate objection" by Farm Credit. *Wright*, 320 F.3d at 1205 (affirming the denial of a motion to compel where the plaintiff made no such attempt). They also did not seek to reopen discovery to pursue a narrower request or otherwise suggest that they would have accepted anything less than all that they had demanded.[1] Without any indication that the Taylors were willing to tailor their request more narrowly, we cannot say that the district court made a clear error of judgment or otherwise abused its discretion in concluding that no continuance was warranted.

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[1] Perhaps these issues could have been ironed out at a hearing. But the district court did not hold a hearing on the motion to compel, and the Taylors' briefing does not properly challenge the failure to hold a hearing or to *sua sponte* order more limited discovery than they had requested. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680–81 (11th Cir. 2014) (issues not plainly raised on appeal are deemed abandoned).

IV.

Having affirmed the district court's discovery rulings, we have little difficulty concluding that the court properly granted summary judgment to Farm Credit. The Taylors concede that they lack comparator evidence and so cannot establish a triable issue of discrimination through the *McDonnell Douglas* framework. *See Lewis I*, 918 F.3d at 1218 ("[A] plaintiff asserting an intentional-discrimination claim under *McDonnell Douglas* must demonstrate that she and her proffered comparators were 'similarly situated in all material respects.'"). And the other evidence they presented is insufficient to permit a reasonable jury to infer intentional discrimination based on a "convincing mosaic" theory of discrimination. *See Lewis v. City of Union City, Ga. (Lewis II)*, 934 F.3d 1169, 1185 (11th Cir. 2019) ("A plaintiff will always survive summary judgment if he presents . . . a convincing mosaic of circumstantial evidence that would allow a jury to infer intentional discrimination." (cleaned up)).

The Taylors cite statistical data suggesting that, from 2010 to 2020, the overwhelming majority—98% or more—of Farm Credit's real-estate borrowers were white. As the Taylors admit, though, the record lacks evidence to provide necessary context for these numbers, such as the racial composition of the applicants. *See Brown v. Am. Honda Motor Co., Inc.*, 939 F.2d 946, 952 (11th Cir. 1991) ("To say that very few black[applicants] have been selected by Honda does not say a great deal about Honda's practices unless we know how many black[applicants] have applied and

failed and compare that to the success rate of equally qualified white applicants."). Without additional context, the current record does not permit a reasonable inference that the racial imbalance is due to discrimination rather than some other factor.

The Taylors also cite comments made to them by Chairman Terry of the Credit Review Committee just before the hearing to appeal the denial of their loan application. According to the Taylors, Terry spontaneously engaged them in discussion about traditionally southern foods "carry[ing] racial overtones," such as chitlins and collard greens, which they took to be racially insensitive and demeaning.

The district court correctly viewed these comments as insufficient to create a triable issue of discrimination, whether viewed alone or in combination with other record evidence. Isolated discriminatory comments not directly related to the decision at issue can contribute to a circumstantial case, but they are usually insufficient on their own to create a triable issue of discrimination. *See Rojas v. Florida*, 285 F.3d 1339, 1342–43 (11th Cir. 2002) (isolated comments unrelated to the termination decision alone are "insufficient to establish a material fact on pretext"); *Crawford v. City of Fairburn, Ga.*, 482 F.3d 1305, 1309 (11th Cir. 2007) ("Crawford erroneously argues that evidence of a discriminatory animus allows a plaintiff to establish pretext without rebutting each of the proffered reasons of the employer.").

Here, the comments about southern foods, while close in time to the denial review hearing, were isolated and had no

apparent connection to that proceeding. Plus, the Taylors do not point to any other evidence suggesting that Farm Credit's non-discriminatory reasons for denying the loan were pretextual. In these circumstances, the district court did not err in granting summary judgment.

AFFIRMED.