

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
AT LEXINGTON

**HAROLD MILES, Personally and as  
Administrator for the Estate of TERRY  
MILES**

**Plaintiff,**

**V.**

**FEDERAL INSURANCE COMPANY,**

**Defendant.**

**CIVIL ACTION NO. 5:16-cv-00015-KKC**

**OPINION AND ORDER**

**\*\*\* \*\***

This matter is before the Court on Plaintiff Harold Miles' ("Miles") Motion for Leave to Conduct Discovery [DE 19] and Motion to Set a Hearing Date. [DE 21.] Defendant Federal Insurance Company ("Federal") has opposed both motions.

Miles seeks to depose Scott County Coroner John Goble. [DE 19-1 at 1.] He alleges that this deposition is necessary because "[w]hen it denied the claim, Federal misrepresented that a 'conversation' had occurred between Coroner John Goble and adjuster Greg Jardick in which Goble opined that the death was a suicide. However, this did not occur." [DE 19-1 at 1.] Miles claims that Mr. Goble "never told anyone, including Federal, the death was a suicide" and believes it is necessary to conduct a deposition to elicit testimony to that effect. [DE 19-1 at 2.] Miles also seeks a hearing regarding his discovery request. [DE 21.]

In response, Federal asserts that Miles is attempting to conduct discovery on a dispute that does not exist. [DE 22 at 2.] Federal maintains that it never asserted that the decedent's death was a suicide, and avers that "Goble never offered any such opinion." [DE

22 at 2.] Thus, Federal has unequivocally stated in the Record that Coroner John Goble did not opine that the death was a suicide.

Under these circumstances, there is no dispute about what John Goble stated regarding the death. Federal readily agrees that Mr. Goble never stated the death was a suicide. Federal has admitted what Miles seeks to prove through discovery. Without an actual dispute as to Mr. Goble's statements, no deposition is required. Accordingly, Plaintiff's Motion for Leave to Conduct Discovery [DE 19] and Motion to Set a Hearing Date [DE 21] are **DENIED**.

Dated July 21, 2016.



*Karen K. Caldwell*

KAREN K. CALDWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY