

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

|                             |   |                           |
|-----------------------------|---|---------------------------|
| TOMMY ALPHONSO,             | : |                           |
|                             | : |                           |
| Plaintiff,                  | : |                           |
|                             | : |                           |
| vs.                         | : | CIVIL ACTION 07-0529-KD-M |
|                             | : |                           |
| ESFELLER OIL FIELD          | : |                           |
| CONSTRUCTIONS, INC.         | : |                           |
|                             | : |                           |
| Defendant.                  | : |                           |
|                             | : |                           |
| THE GRAY INSURANCE COMPANY, | : |                           |
|                             | : |                           |
| Intervenor.                 | : |                           |

ORDER

Counsel for the parties contacted the undersigned Judge today by telephone requesting that the Court resolve a dispute arising during the course of a deposition. The date for completion of discovery in this action was November 19, 2008, having been extended by an Amended Rule 16(b) Scheduling Order entered on July 22, 2008 (Doc. 45), and, therefore, the discovery period has expired.

As set out in the Amended Scheduling Order, "3. DISCOVERY COMPLETION. All discovery is to be completed on or before November 19, 2009. .... For all actions, 'completed' means that ... all depositions, including experts' depositions, taken ...."

Therefore, in light of the foregoing, the Court reminded counsel that they were conducting discovery outside the discovery

period ordered by the Court and were doing so on their own and without the benefit of the Court's assistance with disputes.

DONE this 8<sup>th</sup> day of January, 2009.

s/BERT W. MILLING, JR.  
UNITED STATES MAGISTRATE JUDGE