

(Doc. 24 at p. 1)(emphasis added) Plaintiff asserts that he has diligently pursued discovery and just recently located William Butler, an individual disclosed by defendant in July 2008, but that Mr. Butler will not be available for deposition until the end of January. Additionally, plaintiff seeks to depose his own general physician, Dr. Beach, on the grounds that defendant, in its counterclaim for recoupment of maintenance and cure, has created a new issue that plaintiff's injury to his left knee was caused by an injury pre-dating his return to the M/V CRIMSON WHITE and the physician is needed to refute this assertion.⁴

Discovery ended in this action well over two months ago. The pretrial conference is scheduled for February 11, 2009 and the parties' joint pretrial document is due in two weeks (February 4, 2009). The court finds that plaintiff has not identified extraordinary circumstances that would justify either an extension of the discovery deadline or a continuance of the trial at this late date.⁵

DONE this the 22nd day of January, 2009.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

⁴ By order dated January 15, 2009, the undersigned granted plaintiff's motion for partial summary judgment on defendant's counterclaim for recoupment of maintenance and cure. (See doc. 39)

⁵ This ruling does not prevent the parties from conducting the depositions. The parties may agree to conduct the additional depositions. However, the court will not intervene if problems arise. (See Introduction to Civil Discovery Practice in the Southern District of Alabama (1998) which is available on the website for the United States District Court, Southern District of Alabama, www.als.uscourts.gov)