

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

PLAINTIFF

v.

No. 3:22-cv-247-DPM

RANGER TOOL & DIE, INC.

DEFENDANT

ORDER

1. The Commission seeks an Order directing Brandon Roberts, a nonparty, to show cause for his failure to attend a subpoenaed deposition. That request is denied. The Commission served Roberts with the subpoena on Thursday, 1 August 2024. The deposition was for Tuesday, 6 August 2024. Absent some extraordinary circumstance, which was not shown, a reasonable amount of time for Roberts to comply was not provided. Fed. R. Civ. P. 45(d)(3)(A)(i); 9A ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 2463.1, at nn.8 & 12 (3d ed.) (collecting cases).

2. The Commission's unopposed request to depose Roberts outside the discovery period is granted. The Commission may do so by 4 October 2024.

3. The remaining deadlines and the trial date must be moved. A Third Amended Final Scheduling Order will issue.

* * *

Motion, *Doc. 33*, partly granted and partly denied.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

3 September 2024