

**IN THE UNITED STATES DISTRICT COURTS  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**CORY NIXON, *et al.***

**PLAINTIFFS**

**v.**

**Case No. 4:11-cv-00578-KGB**

**COSTNER EXCAVATING, INC., *et al.***

**DEFENDANTS**

**ORDER**

Before the Court is defendants' motion to compel and enlarge discovery (Dkt. No. 158). On April 16, 2013, the Court ordered plaintiffs and defendants to engage in limited discovery on the retaliation claim recently added by plaintiffs and on all claims against separate defendant LaDonna Costner (Dkt. No. 155). Subsequent to the Court's order, defendants propounded written discovery and requested additional depositions. Plaintiffs interposed objections to the interrogatories and requests for production and declined to produce for deposition five of seven witnesses whose depositions were requested. For the following reasons, defendants' motion to compel is granted in part and denied in part.

Defendants' motion is denied as to Interrogatories No. 8, 17, and 21, and Request for Production No. 3. Interrogatory No. 8 and Request for Production No. 3 are irrelevant because they seek information on a hostile work environment that plaintiffs have not alleged. Interrogatories No. 17 and 21 are not within the limited scope of this Court's April Order because they request information on issues that are neither specific to nor potentially changed by the retaliation claim or claims against LaDonna Costner. Defendants' motion to compel is granted in all other respects. Written discovery responses should be supplemented and the requested depositions should be completed by Monday, October 28, 2013.

The Court acknowledges that the parties have engaged in additional discovery since the filing of several motions and since this Court permitted plaintiffs' claims against separate defendant LaDonna Costner to proceed. Any motions to dismiss, motions for summary judgment, or supplements to those motions or supplements to any other currently pending motions should be filed by the parties by November 11, 2013, with responses due by November 25, 2013, and replies due December 2, 2013. After December 2, 2013, absent good cause shown, the Court will consider ripe, and will take up all issues presented in, plaintiffs' motion for summary judgment (Dkt. No. 82), defendants' motion for summary judgment (Dkt. No. 104), and defendants' motion to decertify the conditionally certified class (Dkt. No. 125).

SO ORDERED this 7th day of October, 2013.



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KRISTINE G. BAKER  
UNITED STATES DISTRICT JUDGE