

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

LAMAR KEMP

PLAINTIFF

v.

Civil No.6:17-cv-06084

CORRECT CARE SOLUTIONS, INC.; DR.
NANETTE VOWELL; and HEALTH SERVICES
ADMINISTRATOR ANDREA BEASLEY

DEFENDANTS

ORDER

This is a civil rights action filed by Plaintiff Lamar Kemp pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's Motion to Reconsider Motion for Subpoena. (ECF No. 60). Defendants have filed a Response in opposition to the motion. (ECF No. 65). The Court finds the matter ripe for consideration.

On June 4, 2018, Plaintiff filed a motion seeking subpoenas for two witnesses – Mrs. Francis and Mona Ungefug - both employees of the Arkansas Spinal Cord Commission. (ECF No. 42). Defendants argued Plaintiff's request was untimely and sought information and the testimony of witnesses which he failed to disclose during discovery. (ECF No. 47). The Court initially found Plaintiff's request for subpoena of witnesses and documents he failed to disclose during the discovery period was not only untimely but would unduly prejudice Defendant at this stage of the litigation. (ECF No. 55).

In the instant motion for reconsideration, Plaintiff points out that he did disclose to Defendants during discovery that he intended to call Mrs. Francis, Mona Ungefug and Dr. Felix as witnesses at the trial of this case. (ECF No. 6, p. 2). Defendants now concede that Plaintiff did disclose to them his intention to call these individuals as witnesses. (ECF No. 65, p. 2).

The discovery deadline – originally set for February 28, 2018 - was extended on March 31, 2018, until April 13, 2018. (ECF No. 31). This same order directed Defendants to file a motion

for summary judgment by May 14, 2018. *Id.* Defendants filed a motion for summary judgment on May 14, 2018. (ECF No. 36). On June 4, 2018, Plaintiff filed his response to the motion. (ECF No. 43).

Accordingly, Plaintiff's Motion for Reconsideration for Subpoena (ECF No. 60) is **GRANTED in part and DENIED in part**. Plaintiff may re-submit his request to subpoena Mrs. Francis, Mona Ungefug, and Dr. Felix, as witnesses for trial if this case survives summary judgment. However, Plaintiff's request to subpoena these individuals for discovery is denied.

IT IS SO ORDERED this 6th day of August 2018.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE