

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

EMILY KELLOGG and :  
RICHARD KELLOGG, :  
Plaintiff, :  
 :  
v. : CASE NO. 3:11CV733 (RNC)  
 :  
J.C. PENNEY CORPORATION, INC. :  
ET AL., :  
Defendants. :  
 :

RULING AND ORDER

The plaintiffs brought this action in state court alleging premises liability and bystander emotional distress. The defendants removed the case to this court. Pending before the court is the defendants' Motion to Compel, doc. #17.

The defendants make the following representations. The parties agreed to exchange written discovery responses on October 3, 2011 but plaintiffs did not provide responses until December 5, 2011. Those responses included only incomplete medical records from plaintiff Emily Kellogg and no production of any kind from plaintiff Richard Kellogg. As a result of the incomplete responses, the defendants were unable to proceed with scheduled depositions and could not meet sequential discovery deadlines.<sup>1</sup>

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<sup>1</sup>Under the original scheduling order (doc. #15), the defendants were required to disclose their experts by January 3, 2012, and all discovery was to be completed by February 3, 2012.

The defendants request an order for full compliance with written discovery and an extension of case management deadlines. The plaintiffs have not filed any objection.

In light of the foregoing, the case management deadlines are amended as follows. The plaintiffs shall provide complete responses to discovery requests by **March 22, 2012**. The defendants may take depositions of fact witnesses on or before **April 5, 2012**. The defendants shall disclose any expert reports on or before **May 5, 2012**, and the plaintiffs may depose any such experts on or before **June 5, 2012**. All discovery, including all discovery relating to expert witnesses, will be completed (not propounded) by **June 5, 2012**. Any request for a prefiling conference regarding a proposed motion for summary judgment must be submitted on or before **May 20, 2012**. A settlement conference will be scheduled for the month of **July 2012**, although the parties jointly may request a settlement conference at any time. A joint trial memorandum in the form described in the addendum to the original scheduling order, doc. #15, will be filed on or before **September 5, 2012**. The case will be placed on the trial ready list for **October 2012**.

All other deadlines from the original scheduling order remain in place. According to that order, the parties' next joint status report is due **March 30, 2012**.

SO ORDERED at Hartford, Connecticut this 8th day of March,  
2012.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge