

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

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JOSE OLIVERAS ET AL.	:	3:12 CV 858 (JGM)
	:	
V.	:	
	:	
JASON CASTILDI ET AL.	:	DATE: JANUARY 6, 2015
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RULING ON PLAINTIFFS' MOTION TO COMPEL AND FOR EXTENSION OF TIME TO COMPLETE DISCOVERY

On June 11, 2012, plaintiffs commenced this diversity action against defendants, arising from a multi-vehicle collision on I-95 North in Darien, Connecticut, on June 19, 2010 (Dkt. #1); an Amended Complaint was filed on February 28, 2013. (Dkt. #19). On December 19, 2014, defendants filed their answer and affirmative defenses. (Dkt. #51). On January 28, 2014, the parties consented to trial before this Magistrate Judge. (Dkt. #25).

Under the latest scheduling orders, all fact discovery was to be completed by November 29, 2014, all expert discovery is to be completed by January 13, 2015, and all dispositive motions are to be filed by February 10, 2015. (Dkts. ##43-49). On December 16, 2014, this Magistrate Judge filed an electronic order (Dkt. #49), requiring submissions from counsel within three days regarding the status of discovery, with which both counsel complied. During this time period, on December 17, 2014, plaintiffs filed the pending Motion to Compel and for Extension of Time to Complete Discovery (Dkt. #50),<sup>1</sup> as to which defendants filed their partial brief in opposition two days later. (Dkt. #52).

As set forth in plaintiffs' motion, plaintiffs served discovery requests upon defendants,

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<sup>1</sup>The following four exhibits were attached: affidavit of counsel, sworn to December 17, 2014; copy of letter, dated September 23, 2014, with plaintiffs' multiple Interrogatories and Requests for Production (Exh. 1); copy of e-mail between counsel, dated October 9 and November 24, 2014 (Exh. 2); and copy of correspondence between counsel, dated December 3, 2014 (Exh. 3).

which defense counsel is unable to answer because he has been unable to locate his client, Jason Castildi, the driver of the truck involved in the accident; as a result, plaintiffs seek a "date certain when . . . defendants must reply to plaintiffs['] discovery demands," with an additional thirty days in which to complete discovery. (Dkt. #50, at 3). In their partial objection, defendants represent that defendant Ean Trust has fully responded, except with respect to one interrogatory regarding all the vehicles it has rented from Enterprise Rental Cars (on the basis of undue hardship), that defendant Castildi "remains out of contact[,]" despite defense counsel having retained the services of a private investigator to locate him, that plaintiffs are not prejudiced in that defense counsel has provided a recorded statement given by defendant Castildi in which he concedes that contact between his vehicle and the Lumbert vehicle in front of him was "due to his inattention[,]"<sup>2</sup> that in their answer, defendants concede negligence for the contact between these two vehicles, that defense counsel has provided three deposition transcripts from the lawsuit filed in state court by the Lumberts against defendant Castildi, that defense counsel is willing to provide uncertified answers to the interrogatories directed to Castildi, and that defendants do not object to an extension of time. (Dkt. #52, at 1-3).

If they have not done so already, **on or before January 30, 2015**, defendants are to provide all the answers they are capable of giving in light of defendant Castildi's absence, except for the one interrogatory directed to defendant Ean Trust regarding the Enterprise rental vehicles; where appropriate, defense counsel may incorporate by reference the various documents that recently have been provided to plaintiffs' counsel. All fact discovery shall be completed **on or before February 27, 2015**, all expert discovery shall be completed **on**

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<sup>2</sup>The Lumbert vehicle, in turn, struck plaintiffs' vehicle.

**or before March 31, 2015**, and all dispositive motions are to be filed **on or before April 30, 2015**. There shall be **no further extensions**, absent unforeseen circumstances.<sup>3</sup>

Accordingly, plaintiffs' Motion to Compel and for Extension of Time to Complete Discovery (Dkt. #50) is granted to the extent set forth above.

Dated this 6th day of January, 2015, at New Haven, Connecticut.

/s/ Joan G. Margolis, USMJ  
Joan Glazer Margolis  
United States Magistrate Judge

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<sup>3</sup>If any counsel believes that a settlement conference before another U.S. Magistrate Judge or Special Master would be productive, he should contact Chambers accordingly.