

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KEVIN E. WILSON,
Plaintiff,
v.
CITY OF WILMINGTON, et al.,
Defendants.
Civ. No. 13-1390-LPS

MEMORANDUM

1. Introduction. Plaintiff Kevin E. Wilson ("Plaintiff") filed this employment discrimination action pursuant to 42 U.S.C. § 2000e-5. He appears pro se and has paid the filing fee. Before the Court is a motion to amend, motions for a reference of this matter to a U.S. Magistrate Judge, and discovery motions.

2. The Court imposed the following deadlines: (1) all motions to join other parties and amend the pleadings shall be filed on or before April 14, 2014; (2) all discovery in this case shall be initiated so that it will be completed on or before October 14, 2014; (3) all summary judgment motions and an opening brief and affidavits, if any, in support of the motion, shall be served and filed on or before November 17, 2014. (See D.I. 13)

3. Motion to Amend. Plaintiff moves to amend to add a new claim. (D.I. 15) Defendants oppose the motion on the grounds that it is untimely and that Plaintiff failed to exhaust his administrative remedies as to the new claim. (D.I. 16) Plaintiff recently moved to withdraw the motion to amend. (D.I. 88) Therefore, the Court will deny the motion to amend as moot and will grant the motion to withdraw the motion to amend.

4. **Motions to Refer to a Magistrate Judge.** Plaintiff moves the Court to refer this matter to a U.S. Magistrate Judge. (D.I. 23, 24) Defendants oppose this request. In order for dispositive motions to be resolved by a Magistrate Judge – as opposed to a Magistrate Judge making a recommendation, to which either party may object and obtain de novo review by a District Judge – all parties must consent. *See* 28 U.S.C. § 636(c); Del. LR 73.1. That has not occurred here. The Court sees no need to refer motions for a Magistrate Judge to provide reports and recommendations. Accordingly, the Court will deny the motions.

5. **Discovery.** Plaintiff moves to extend the discovery deadline (D.I. 51, 52, 95), and Defendants do not oppose the motions (D.I. 56, 96). The Court will grant the motions to amend the discovery deadline and will also amend the deadline for filing dispositive motions.

6. Plaintiff also moves for permission to allow non-parties to attend his deposition. (D.I. 53) Defendants oppose the motion. Typically, non-parties attend depositions only when they have been subpoenaed to testify at their own deposition. Plaintiff did not provide any justification for non-parties to attend and observe his deposition. Therefore, the Court will deny the motion.

An appropriate Order follows.


UNITED STATES DISTRICT JUDGE

Dated: March 13, 2015