

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

LINDA CHEWNING and FLOYD  
CHEWNING,

Plaintiffs,

vs.

Case No. 3:12-cv-1086-J-12JBT

TARGET CORPORATION, INC., etc.,

Defendant.

---

**ORDER**

This case is before the Court on: 1) Plaintiff, Linda Chewning's Rule 72 Objections to Magistrate's Order (Objections, Doc. 38); 2) Plaintiff, Linda Chewning's Rule 60(A) Motion for Relief and Rule 72 Objections to Magistrate's Order of June 3, 2013 (Motion for Relief, Doc. 52); and 3) Plaintiff, Linda Chewning's Motion to Modify Scheduling Order (Motion to Modify, Doc.44). Also pending before the Court is Defendant's Motion for Summary Judgment (Doc. 45).

The Court reviewed all of the submissions related to these pending matters and conducted a hearing on August 1, 2013. At the conclusion of the hearing, the Court advised the parties of the Court's rulings to be included in this Order. For the reasons stated at the hearing, it is

**ORDERED:**

1. Plaintiff, Linda Chewning's Rule 72 Objections to Magistrate's Order (Doc. 38) are deemed **MOOT**.

2. Plaintiff, Linda Chewning's Rule 60(A) Motion for Relief and Rule 72 Objections to Magistrate's Order of June 3, 2013 (Doc. 52) is denied as **MOOT**.

3. Plaintiff, Linda Chewning's Motion to Modify Scheduling Order (Doc.44) is **GRANTED** to the extent stated at the hearing, and is otherwise denied. The following deadlines and instructions shall apply:

a. The discovery deadline is extended until **November 1, 2013**, only for the limited purposes stated below;

b. Plaintiffs will be permitted to depose Defendant's employees, Tim Murfin and Daniel Tuegel. If after completing those depositions, Plaintiffs seek to depose additional witnesses, the parties should confer and attempt to reach an agreement, but if the parties cannot do so, Plaintiffs should file an appropriate motion;

c. Defendant will be permitted to complete a physical examination of Plaintiff Linda Chewning. In so doing, the parties must comply with Rule 35, Federal Rules of Civil Procedure;

d. Defendant shall review its records to ensure it has produced all documents and information responsive to Plaintiffs' discovery

requests, with the exception of requests related to Defendant's marketing and advertising. Defendant must supplement its discovery responses as required no later than **August 21, 2013**;

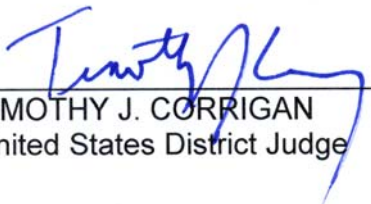
4. Ruling on Defendant's Motion for Summary Judgment (Doc. 45) is **DEFERRED** and the motion is carried with the case.

5. The parties shall have until **August 23, 2013**, to confer and file a joint notice with the Court indicating whether they consent to a date certain trial of this case by the assigned United States Magistrate Judge. A consent form is attached.

6. The parties are encouraged to pursue further mediation as they deem appropriate or may file a joint request that the Court refer the case for a settlement conference with a United States Magistrate Judge.

7. If the parties choose not to consent to the Magistrate Judge trying their case, the Court will set their case for trial sometime during the first quarter of 2014.

**DONE AND ORDERED** in Jacksonville, Florida, this 6th day of August, 2013.

  
TIMOTHY J. CORRIGAN  
United States District Judge

Attachment: Consent Form  
Copies to: Counsel of Record