

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**MARTHA F. OWENS, Individually,  
and as the Executrix of the Estate of  
Andrew T. Fuller; SUSAN ROCKETT;  
DONALD ABNER POPE JR.; and  
REFUSE MATERIALS, INC.,**

Plaintiffs,

v.

**STIFEL, NICOLAUS & COMPANY,  
INC. and ANTHONY JOHN FISHER,**

Defendants.

Civil Action No. 7:12-CV-144 (HL)

**ORDER**

This case is before the Court on several matters. This Order will set out a new discovery schedule for the case, and will also address Plaintiffs' Motion for Discovery (Doc. 31) and Plaintiffs' Motion for Leave to File Supplemental Expert Report (Doc. 34). Plaintiffs' Motion for Discovery is denied, and the Motion for Leave is granted as outlined below.

**I. NEW DISCOVERY SCHEDULE**

The discovery stay entered on May 15, 2013 is now lifted. The Court hereby enters the following order which will govern all remaining discovery and motions practice in the case.

1. The time for discovery in this case shall expire on November 18, 2013. The Court does not intend to extend this date absent exigent circumstances.

No discovery request may be served unless the response to the request can be completed within the time specified by the rules and within the discovery period. Except by written consent of the parties first filed with the Court, no deposition shall be scheduled beyond the discovery period.

Any discovery-related motions should be filed as soon as practical, but in no instance are they to be filed after the end of the discovery period. Motions filed after the discovery period ends will not be considered by the Court.

2. The deadline for the disclosure of expert witnesses has passed. The deadline for the parties to provide supplemental expert reports to opposing counsel will be extended until October 21, 2013. No additional supplemental reports may be disclosed or provided after this date without leave of Court.

3. The deadline for motions to join other parties or to otherwise amend the pleadings has passed.

4. All dispositive motions shall be filed on or before January 2, 2014.

5. All Daubert motions shall be filed on or before December 18, 2014. The parties are instructed not to file Daubert motions as part of dispositive motions.

6. All other provisions contained in the Scheduling and Discovery Order entered on December 18, 2012 remain in full force and effect.

## **II. PLAINTIFFS' MOTION FOR DISCOVERY (DOC. 31)**

Plaintiffs have moved the Court for an order requiring Defendant Stifel Nicolaus to provide a privilege log in connection with its discovery responses, as well as for a finding that Stifel Nicolaus has waived its right to claim privilege of any documents listed on the privilege log. Stifel Nicolaus has responded to the motion, explaining that the request for the privilege log came from Plaintiffs while discovery in the case was stayed, and that it fully intends to provide a privilege log once the stay is lifted and the parties resume litigating the matter.

Plaintiffs' Motion for Discovery (Doc. 31) is denied. The Court trusts that counsel for Stifel Nicolaus will abide by its representation that a privilege log will be produced post-haste, but to be sure, the Court orders Stifel Nicolaus to produce its privilege log to opposing counsel no later than October 3, 2013. Stifel Nicolaus has not waived any right to claim privilege.

The Court further notes that this is the sort of discovery dispute that should have been raised to the Court through a telephone call, rather than the filing of a motion. Counsel were specifically told in the Rules 16 and 26 Order entered on November 7, 2012 that they were to contact the Court to schedule a telephone

conference to discuss discovery issues rather than filing written motions to compel. Counsel should keep that directive in mind as the case progresses.

**III. PLAINTIFFS' MOTION FOR LEAVE TO FILE A SUPPLEMENTAL EXPERT REPORT (DOC. 34)**

This motion is granted in that both parties will have until October 21, 2013 to provide supplemental expert reports to opposing counsel.

**SO ORDERED**, this the 19<sup>th</sup> day of September, 2013.

**s/Hugh Lawson**  
**HUGH LAWSON, SENIOR JUDGE**

mbh