

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

EUGENE GRIGGS and CAMERON)	
MADDOX,)	
)	
Plaintiffs,)	
)	
v.)	CV 117-089
)	
VERNEAL EVANS, Former Correctional)	
Officer; JANSON CREAGER, Correctional)	
Officer; TREI BLUITT, Correctional Officer;)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiffs' unopposed Motion for Leave to File Under Seal, Motion for Leave to Proceed By Next Friend, and Motion to Stay Discovery and Motions Deadlines as to Plaintiff Cameron Maddox. (Doc. nos. 129-131.)

Plaintiffs seek to file under seal the unredacted version of the report by Dr. Matthew W. Norman, M.D., regarding his psychiatric evaluation and assessment of Plaintiff Cameron Maddox. For good cause shown, the Court **GRANTS** Plaintiffs' Motion for Leave to File Under Seal, (doc. no. 131), and **DIRECTS** the **CLERK** to file Dr. Norman's unredacted report under seal.

Because Dr. Norman finds Plaintiff Maddox to be incompetent, Plaintiffs seek permission to proceed with his claims through his mother, Martha Thompson, as next friend. (Doc. no. 130.) Pursuant to Fed. R. Civ. Pro. 17(c), a next friend may proceed on behalf of

an incompetent person upon a showing of “some relationship or other evidence that demonstrates [the proposed next friend] is truly dedicated to the interests” of the incompetent person. Ford v. Haley, 195 F.3d 603, 624 (11th Cir. 1999). Based on Dr. Norman’s determination Mr. Maddox is incompetent and Ms. Thompson’s relation to Mr. Maddox as his mother, the Court **GRANTS** Plaintiffs’ motion, (doc. no. 130), and **DIRECTS** the **CLERK** to add Martha Thompson as next for Cameron Maddox and amend the caption to state “Martha Thompson, as Next Friend for Cameron Maddox.”

Because Dr. Norman opines Mr. Maddox’s competence may be restored if he begins taking higher doses of medication, Plaintiffs seek a stay, related to Mr. Maddox’s claims only, of all deadlines for ninety days, to allow time for (1) re-examination of Mr. Maddox in sixty days; and (2) thirty days thereafter to file a motion to remove Ms. Thompson as next friend if competency is restored. (Doc. no. 129.) In addition, Plaintiffs seek an additional thirty days to complete discovery after the stay is lifted. The “[C]ourt has broad inherent power to stay discovery until preliminary issues can be settled which may be dispositive of some important aspect of the case.” Feldman v. Flood, 176 F.R.D. 651, 652 (M.D. Fla. 1997). Rather than imposing a stay that halts progress, the Court will instead extend the discovery period as to all parties and claims for ninety days. The parties should be able to complete all remaining discovery, except perhaps the deposition of Mr. Maddox,¹ during this extension, especially in light of Ms. Thompson’s willingness to serve as next friend. Plaintiffs may seek to remove Ms. Thompson as next friend in the event Mr. Maddox’s competency is restored.

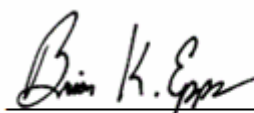
¹ Notably, Federal Rule of Evidence 601 presumes competency to be a witness, and the advisory Committee Notes state “No mental or moral qualifications for testifying as a witness

Accordingly, the Court **GRANTS IN PART** Plaintiffs' Motion to Stay Discovery and Motions Deadlines and modifies the schedule as follows:

CLOSE OF DISCOVERY	October 23, 2019
JOINT STATUS REPORT	October 23, 2019
LAST DAY FOR FILING CIVIL MOTIONS INCLUDING DAUBERT MOTIONS, but EXCLUDING MOTIONS IN LIMINE	November 22, 2019

All provisions of the prior Scheduling Orders, (doc. nos. 84, 115, 124), not revised herein shall remain in full force and effect. The Court expects the parties to complete discovery during this final extension. Any further extension requests will have to be addressed to the presiding District Judge and supported by specific, compelling reasons why discovery could not be completed within the extended discovery period.

SO ORDERED this 16th day of July, 2019, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

are specified.”