

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

CYNTHIA DYCHES )  
LINTHICUM and )  
CHRISTOPHER MARTIN )  
LINTHICUM, )  
Natural Parents of TRISTAN A. )  
LINTHICUM, )  
Deceased, as Assignees of )  
BOBBY JAMES, )  
)  
Plaintiffs, )  
)  
v. )  
)  
MENDAKOTA INSURANCE )  
COMPANY, )  
)  
Defendant. )

Case No. CV415-023

**ORDER**

Before the Court is the plaintiffs' second motion to compel defendant's discovery responses, plus a separate motion to compel compliance with this Court's prior discovery Order. Docs. 30 & 31. Defendant opposes. Docs. 34 & 41. Familiarity with that prior Order, doc. 28, *reported* at 2015 WL 4567106, is presumed. Since that Order, the instant motions, and defendant's responses, defendant has filed a case-dispositive summary judgment motion.

Doc. 49. Having reviewed it, the Court concludes that it is not only well supported, but what plaintiffs seek likely will be mooted if the district judge awards defendant summary judgment.

Accordingly, the Court **DENIES** plaintiffs' motions (docs. 30 & 31) **WITHOUT PREJUDICE** to renew them if they are not mooted by the district judge's summary-judgment ruling. Either party, for that matter, is free to invoke Fed. R. Civ. P. 56(d) if in fact discovery of more information can reasonably be shown to affect summary judgment in its favor. *See McCleod v. Nat'l R.R. Passenger Corp.*, 2014 WL 1616414 at \* 2 (S.D. Ga. Apr. 22, 2014).

**SO ORDERED**, this 20th day of October, 2015.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA