

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

RHONDA LEDFORD, an individual;  
RAYMON GREGSTON, an individual; JO  
MCKINNEY, an individual; SHANE  
PENROD, an individual; KIM  
MCCORMICK, an individual; and GRACIE  
REYNA, an individual; LISA  
LITTLEFIELD, an individual; ADDISON  
FORDHAM, an individual; TOM DE KNIF,  
an individual; and FRANK FARNWORTH,  
an individual,

Plaintiffs,

v.

IDAHO DEPARTMENT OF JUVENILE  
CORRECTIONS, an executive department of  
the State of Idaho; IDJC DIRECTOR  
SHARON HARRIGFELD, in her individual  
and official capacities; IDJC JUVENILE  
CORRECTIONS CENTER- NAMPA  
SUPERINTENDENT BETTY GRIMM, in  
her individual and official capacities; and  
DOES 1-20,

Defendants.

**CASE NO. 1:12-cv-00326-BLW**

**MEMORANDUM DECISION AND  
ORDER**

The Court has before it plaintiffs' motion for enlargement of time to respond to the defendants' motion for summary judgment. The defendants produced over 30,000 documents to plaintiffs on December 12<sup>th</sup>, just a week prior to the deadline for plaintiffs' response brief and more than a month after the deadline for producing this material. Plaintiffs seek additional time to respond in order to (1) evaluate the relevance of these

documents to the motion for summary judgment, and (2) determine whether the production fulfills the defendants' discovery obligations.

The defendants do not object to an extension for the former purpose but object to any extension for the latter purpose. Defendants argue that "plaintiffs could have requested [the discovery] earlier than November 5, 2013, twenty days before the dispositive motion deadline." *See Response Brief (Dkt. No. 45)* at p.8.

Defendants are correct that if they had timely produced the discovery on November 4, 2013 – as required by plaintiffs' request received on October 4<sup>th</sup> – they would have a stronger case for denial of this motion. But defendants did not produce the 30,000 documents until December 12<sup>th</sup>, over a month late. Defendants' argument amounts to a plea that plaintiffs should have anticipated defendants would be tardy and requested the documents even sooner.

The plaintiffs are entitled to the time necessary to review the 30,000 documents to determine if they fulfill the defendants' discovery obligations. Barring plaintiffs from filing motions to compel discovery during the extension period would be to reward defendants for their late production.

The plaintiffs have met the requirements of Rule 56(d) for an extension. The Court will therefore grant the motion for extension and permit plaintiffs to file any necessary motions to compel discovery (and for fees and costs) during the period of extension. The Court's standard mediation requirement will not apply and the motions to compel may be filed without attempting mediation first.

The Court turns next to the period of the extension. If the defendants would have filed the documents timely, the plaintiffs would have had 44 days to review the documents before having to file a response brief. The documents were produced on December 12, 2013, and 44 days from that date is January 25, 2014, a Saturday. The Court will therefore order that the response brief be filed on or before the following Monday, January 27, 2014. If plaintiffs find it necessary to file discovery motions, those motions, along with any motion for extension of time to file a response brief, shall also be filed on or before January 27, 2014.

The plaintiffs request in the alternative that the Court deny the motion for summary judgment. The Court finds that the extension granted is the appropriate remedy at this time and will not deny the defendants' motion for summary judgment at this time.

### **ORDER**

In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED that the motion for enlargement of time (docket no. 43) be GRANTED IN PART AND DENIED IN PART. It is granted to the extent it seeks to extend the time to file a response brief to defendant's motion for summary judgment (docket no. 33) to January 27, 2014. If plaintiffs find it necessary to file discovery motions, those motions, along with any motion for a further extension of time to file a response brief, shall also be filed on or before January 27, 2014. The motion is denied in all other respects.



DATED: December 18, 2013

*B. Lynn Winmill*

---

B. Lynn Winmill  
Chief Judge  
United States District Court