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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

R. DAVID BOYER, TRUSTEE,)	
Plaintiff,)	
v.) CAUSE NO. 1:05-0	CV-129
CHRISTOPHER GILDEA, et. al.,)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on the motion (DE# 177) filed by the Trustee on November 26, 2008, seeking a 14 day extension of time to produce the documents and privilege logs contemplated in the Courts' November 13, 2008, Opinion and Order.

Notwithstanding that the Trustee has shown good cause under Federal Rule of Civil Procedure 6(b)(1) for the modest extension, one of the Defendants, Arlington Capital LLC., opposes the motion. (DE# 178) The basis for the objection is that Arlington believes that there will not be sufficient time for them to review the documents and privilege log before discovery closes on December 23, 2008, tacitly suggesting that they may want to do more discovery once they see the documents.

The problem with Arlington's objection is that they simply assume they will want to do more discovery and they offer no suggestion as to what that discovery might be, let alone its duration. Moreover, they have no motion for such relief pending before the Court or any indication that they and counsel for the Trustee conducted a Local Rule 37.1 conference on the

topic.¹ In short, and in contrast to the motion before the Court, no good cause has been shown, at least on this record, to grant an unsolicited extension to the overall discovery deadline.

Therefore, the motion for an extension of time filed by the Trustee is hereby GRANTED and the Trustee is granted an additional fourteen-days to produce the requested documents as well as a privilege log for any withheld documents. No further extensions will be granted to this new deadline.

Enter for December 2, 2008.

S/Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge

¹The Trustee in his reply brief argues that "[b]y virtue of the Court's prior rulings, Arlington is not at liberty to conduct" any more discovery. The Trustee does not cite the "prior rulings" to which he refers, but that, of course, can be discussed at any Local Rule 37.1 conference preparatory to another subsequent motion.