

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

DARA M. GRIMES,)	
)	
Plaintiff,)	
)	
v.)	2:13-cv-36
)	
GARY COMMUNITY SCHOOL CORP.,)	
CITY OF GARY, D. GOSHAY, and)	
A. BRADSHAW,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the court on the Motion for Order to Compel Discovery Response From Defendant Gary Community School Corporation [DE 43] and the Motion for Extension of Time to Complete Discovery [DE 44] filed by the plaintiff, Dara M. Grimes, on July 18, 2014 and July 19, 2014, respectively.

In her motion to compel, Grimes requests:

A completed affidavit with a copy of any and all employee and personnel records, including but not limited to, memoranda, rate of pay, applications, job descriptions, references, training completed, awards, reprimands, attendance, sick leave, doctor notes, insurance records, benefits and Worker's Compensation records, performance reviews, letters, correspondence, payroll and W-2 forms. Pertaining to: Defendant A. Bradshaw

On April 14, 2014, Grimes filed a Motion to Compel discovery from the Gary Community School Corporation. *See* DE 32. The following day, she filed a Motion to Compel requesting documents from D. Goshay. *See* DE 34. Grimes attached the present motion as an exhibit.¹ The defendants filed a response to the motion to compel discovery from the Gary

¹ In her motion for extension of time, Grimes states that "Plaintiff filed combined Motion to Compel Production instead of two separate motions as required per Court's Law Clerk." To clarify the record, Attorney

Community School Corporation only, indicating that it had turned over the requested discovery after Grimes filed her motion. As an exhibit to their response, the defendants included a copy of an e-mail showing that they included their responses to the discovery requests related to A. Bradshaw and D. Goshay. The attachment shows that the e-mail was sent on April 16, 2014.

Grimes now has filed the same motion pertaining to A. Bradshaw that she included as an exhibit to her motion to compel related to D. Goshay. Grimes has not updated her motion to show which documents remain outstanding in light of the discovery the defendants provided on April 16, 2014. Moreover, the certificate of the good faith efforts her counsel took to resolve the discovery dispute indicates that the last communication he had with the defendants concerning the discovery requests occurred on March 7, 2014, prior to their production of documents pertaining to A. Bradshaw. She cannot satisfy her duty to attempt to resolve the discovery dispute prior to filing a motion to compel by relying on communications that took place before discovery was supplemented. *See Design Basics, Inc. v. Granite Ridge Builders, Inc.*, 2007 WL 1830809, *2 (N.D.Ind. June 21, 2007) (denying motion to compel where it was apparent that the plaintiff did not confer with defendant after the defendant supplemented its discovery responses). Grimes should have attempted to obtain any documents from the defendants that she believes remain outstanding prior to filing the present motion. *See Federal Rule of Civil Procedure 37, Northern District of Indiana Local Rule 37-1*. For these reasons, Grimes' Motion for Order to Compel Discovery Response From Defendant Gary Community School Corporation [DE 43] is **DENIED**.

Grimes contacted the court to inquire about the status of his motion to compel production of documents pertaining to A. Bradshaw. The court informed Grimes that he never filed a motion to compel documents pertaining to A. Bradshaw and that the motion he believed that he filed was instead filed as an exhibit to his motion pertaining to D. Goshay. The court did not advise Grimes either that Northern District of Indiana Local Rule 7-1 requires motions to be filed separately or that he should file a separate motion.

Grimes also moves for an extension of the discovery deadline. The defendants have not filed a response in opposition. For this reason, the court **GRANTS** Grimes' Motion for Extension of Time to Complete Discovery [DE 44] and **EXTENDS** the discovery deadline to and including November 28, 2014.

ENTERED this 5th day of September, 2014.

/s/ Andrew P. Rodovich
United States Magistrate Judge