




the request and noted that Plaintiff failed to previously bring this alleged shortcoming to Defendant's attention.

Indeed, two years has passed since Plaintiff served this discovery request, and in March of 2013 the discovery deadline closed. Defendant then filed its motion for summary judgment. Plaintiff has since requested and was granted three motions to enlarge the deadline to file her summary judgment response. [Docket Nos. 93, 95, 98.] Plaintiff's response is now due May 3, but the instant discovery dispute threatens to again disrupt that deadline.

The Court recently addressed a similar issue in *Corre Opportunities Fund v. Emmis Communications Corp.*, 1:12-cv-491-SEB-TAB (April 10, 2012). In that case, the Plaintiff waited until the eve of the discovery deadline (which the Court previously extended) to seek leave to complete additional discovery. The Court denied the request as untimely, relying on *Everett v. Aldi, Inc.*, 1:07-CV-275, 2009 WL 940379, at \*2 (N.D. Ind. Apr. 6, 2009), which focused on three questions: (i) how long was the delay?; (ii) was there an explanation for it?; and (iii) what happened during the delay?

As in *Corre Opportunities*, these factors do not help the Plaintiff. First, the two-year delay is extensive. Second, Plaintiff admittedly failed to follow up and has no good explanation for this failure. Third, during this extensive delay there have been other discovery issues brought to the Court's attention, deadlines extended, and a summary judgment motion filed. As a result, Plaintiff's request for this information at this stage is untimely and is denied.

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Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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