

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 08-475-KSF

JOSH HIMES and MARY HIMES

PLAINTIFF

v.

**OPINION & ORDER**

UNITED STATES OF AMERICA

DEFENDANT

\* \* \* \* \*

Currently before the Court is the motion of the defendant, the United States of America, to quash the plaintiffs' request for production of documents filed September 2, 2009 and for protective order limiting the response due to said request and any deposition of the defendant or its personnel to the limited discovery ordered by the Court's Opinion & Order of August 28, 2009 [DE #19]. This motion is fully briefed and is ripe for review. The Court, having reviewed the record and the parties' filings, agrees with the United States that the plaintiffs' discovery requests go well beyond the bounds of the Court's Opinion & Order of August 28, 2009 which granted the parties a period of sixty days to engage in limited discovery only on the issue of whether the work performed by Josh Himes, as an employee of Childers pursuant to the Grounds Maintenance Contract, was a "regular or recurrent" part of the work of the Blue Grass Army Depot [DE 17]. The Court has reviewed the United States' tendered Protective Order and Order Quashing Discovery [DE #19-7], and finds that it is appropriate under the circumstances and consistent with the Court's previous ruling. Accordingly, the Court will grant the United States' motion to quash and for protective order and

enter the tendered Order.

Also before the Court is the plaintiffs' motion for an extension of time to complete discovery [DE #21]. The Court will grant the plaintiffs an additional sixty days from entry of this Opinion & Order to complete discovery consistent with this Court's August 28, 2009 Opinion & Order and the Protective Order. Finally, the plaintiffs have filed a motion for a hearing on the United States' motion to quash and for protective order [DE #22]. The Court finds that no hearing is necessary, and therefore, this motion will be denied.

Accordingly, the Court, being fully and sufficiently advised, hereby **ORDERS** as follows:

- (1) the United States' motion to quash and for protective order is **GRANTED**, and the tendered Protective Order will be entered contemporaneously with this Opinion & Order;
- (2) the plaintiffs' motion for an extension of time to complete discovery [DE #21] is **GRANTED**, and for a period of **SIXTY DAYS FROM ENTRY OF THIS ORDER**, the parties may engage in **LIMITED DISCOVERY** only on the issue of whether the work performed by Himes, as an employee of Childers pursuant to the Grounds Maintenance Contract, was a "regular or recurrent" part of the work of the Blue Grass Army Depot;
- (3) **WITHIN FIFTEEN DAYS** after the conclusion of the sixty day discovery period, the parties shall **FILE** contemporaneous briefs on this issue. No further briefing will be allowed;
- (4) the plaintiffs' motion for a hearing [DE #23] is **DENIED**.

This September 29, 2009.



**Signed By:**

**Karl S. Forester K S F**

**United States Senior Judge**