



telephone or exchange of letters). Because there is no indication that Stell communicated with Sanchez concerning the instant dispute in compliance with with Rule 37 or LR 37.1, Stell's motion to compel is premature and denial would be appropriate on that basis.

However, the Court also recognizes that Sanchez fully admits she has not timely responded to sought interrogatories. Sanchez notes that her delay in responding is due to her medical complications as well as the busy caseload of her counsel. She "is still actively engaged in gathering discovery responses and information." [DE 25, Page ID# 203]. Moreover, Sanchez does not oppose an extension of time to permit her to make the necessary discovery responses.

Accordingly, being fully advised, the Court **ORDERS** that Stell's Motion to Compel Discovery and for an Extension of Time [DE 23] is **DENIED IN PART, GRANTED IN PART**. Because Stell has failed to comply with Rule 37 or LR 37.1, Stell's motion to compel discovery is **DENIED**. However, the Court will **GRANT** Stell's request for an extension of time. The Court's prior scheduling order [DE 20] is modified to require that fact discovery [DE 20, ¶ 2] and expert discovery [DE 20, ¶ 5] be concluded by November 30, 2022. All other deadlines set forth in the scheduling order shall remain in effect.

Entered this the 4th day of November, 2022.



*Matthew A. Stinnett*  
MATTHEW A. STINNETT  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF KENTUCKY