

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CLEM GILLS, ET AL.

CIVIL ACTION

VERSUS

NO: 18-13604

KARL ST. AMANT, ET AL.

SECTION: "A" (5)

ORDER AND REASONS

The following motion is before the Court: **Motion for Review of Magistrate North's Order and Reasons (Rec. Doc. 64)** filed by the defendants, Karl St. Amant and KS Trans, Inc. The plaintiffs have filed an opposition to the motion. The motion, noticed for submission on April 24, 2024, is before the Court on the briefs without oral argument.

This personal injury suit arises from a 2018 accident on Interstate 10 just outside of New Orleans, involving a sedan being driven by plaintiff Clem Gills, and a tractor-trailer operated by defendant Karl St. Amant. Guest passengers, Japena Gills, Henry Alexander, and Edward Charles (co-plaintiffs) were also in the vehicle. St. Amant was cited for improper lane usage by the St. Tammany Parish Sheriff's Department. It is the Court's understanding that St. Amant did not contest the citation charging him with fault for the accident.

A jury trial is currently scheduled for June 3, 2024.¹ (Rec. Doc. 26, Scheduling

¹ In February 2024, Defendants filed an opposed motion to continue trial and that motion remains pending at this time. The Court held a status conference on March 14, 2024, to discuss the request for a trial continuance and an extension of the defendants' medical expert report deadline. (Rec. Doc. 53, Minute Entry 3/14/2024). The Court explained that the trial date would be continued (and the motion granted) at the follow-up status

Order).

Via the instant motion, the defendants urge the Court to set aside and vacate Magistrate Judge North's March 20, 2024 ruling (Rec. Doc. 59) on the plaintiffs' motion to quash the defendants' subpoena duces tecum for the plaintiffs' cell phone records (Rec. Doc. 39). In his written ruling granting in part the plaintiffs' motion to quash, Magistrate Judge North ruled that the defendants' request for the plaintiffs' cell phone records was far too broad and disproportionate to the needs of the case given that the defendants have raised no affirmative defense to which the records would be relevant. (Rec. Doc. 59, Minute Entry 3/20/2024 at 1). Judge North also held that the defendants could not subpoena any medical or criminal history records with respect to Clem Payne because he only participates in this law suit in an administrative capacity.² (*Id.* at 2).

The Court considers the defendants' challenge to the discovery ruling in the context of Rule 72 which requires the Court to modify or set aside any part of an order that is clearly erroneous or contrary to law. Fed. R. Civ. Pro. 72(a); 28 U.S.C. § 636(b)(1)(A). The defendants have not demonstrated that Magistrate Judge North's ruling was clearly erroneous or contrary to law. In fact, the Court finds the concise reasoning supporting the ruling to be quite sound and persuasive.

Accordingly, and for the foregoing reasons;

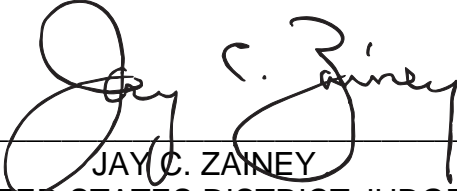
IT IS ORDERED that the **Motion for Review of Magistrate North's Order and**

conference, which is currently scheduled to take place on May 2, 2024.

² Mr. Clem Gills, the lead plaintiff in this action, died on January 30, 2022. The Court granted a motion to substitute and allowed Clem Payne to replace Clem Gills in this lawsuit. (Rec. Doc. 28, Order).

Reasons (Rec. Doc. 64) filed by the defendants, Karl St. Amant and KS Trans, Inc., is
DENIED.

April 30, 2024



JAY C. ZANEY
UNITED STATES DISTRICT JUDGE