

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JAMES L. COOPER

CIVIL ACTION

VERSUS

NO. 20-1454

CORNERSTONE CHEMICAL
COMPANY

SECTION "R" (5)

ORDER AND REASONS

Before the Court is defendant Cornerstone Chemical Company's motion for extension of its discovery deadline to take the deposition of Mark Shields.¹ Plaintiff opposes the motion.² Trial in this matter is scheduled for January 24, 2022, with a pretrial conference scheduled for January 6, 2022.³

This Court's February 9, 2021 scheduling order provides that the parties must complete discovery by December 7, 2021.⁴ Defendant requests an extension of this deadline to take the deposition of Mark Shields, after plaintiff produced Shields's declaration on November 24, 2021.⁵ Shields is a former employee of defendant, and defendant previously obtained a

¹ R. Doc. 37.

² R. Doc. 43.

³ R. Doc. 20 at 6-7.

⁴ *Id.* at 2.

⁵ R. Doc. 37-1 at 1.

handwritten statement from Shields several days after it terminated plaintiff's employment.⁶ Defendant represents that Shields's declaration, which expands on his handwritten statement, "speaks to important factual issues in this case," and that plaintiff "seeks to circumvent Defendant's discovery rights by refusing to cooperate regarding Mr. Shields' deposition at this late stage of the litigation."⁷ Plaintiff disputes defendant's assertions, noting that defendant has been aware of plaintiff's intention to rely on Mr. Shields long before the declaration, given that plaintiff disclosed Shields as a witness in his initial disclosures and on his witness list.⁸ Plaintiff further notes that he does not have the authority to produce Shields for a deposition, and that the appropriate procedure to obtain his deposition would be for defendant to subpoena Shields.⁹

"When an act may or must be done within a specified time, the court may, for good cause, extend the time." Fed. R. Civ. P. 6(b)(1). Here, the Court finds good cause for a brief continuance of defendant's discovery deadline to enable it to take the deposition of Mr. Shields. As detailed in the exhibits to defendant's motion,¹⁰ defendant attempted to depose Mr. Shields

⁶ R. Doc. 43 at 1.

⁷ R. Doc. 37-1 at 3.

⁸ R. Doc. 43 at 1-2.

⁹ *Id.*

¹⁰ R. Doc. 37-3.

before the discovery deadline, but faced unpreventable delays. The Court thus finds that an extension of two weeks is fair and appropriate for the sole purpose of taking Mr. Shields's deposition. The Court finds that this will provide defendant with sufficient time to take the deposition, which defendant contends will take no more than two hours,¹¹ while still providing the Court and the parties sufficient time to prepare for the upcoming trial.

Accordingly, the Court GRANTS defendant's motion to continue its discovery deadline as to the Shields deposition. Shields's deposition shall take place no later than **December 22, 2021**.¹² All other deadlines remain as scheduled in this Court's February 9, 2021 scheduling order,¹³ unless continued by the Court upon motion for good cause shown.

New Orleans, Louisiana, this 8th day of December, 2021.


SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

¹¹ R. Doc. 3-1 at 18.

¹² R. Doc. 37.

¹³ R. Doc. 20.