

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**CLEOTHUS O. PRICE (#398352)**

**CIVIL ACTION**

**VERSUS**

**JAMES LeBLANC, ET AL.**

**NO. 14-0333-JWD-RLB**

**ORDER**

This matter comes before the Court on the plaintiff's Motion for Extension to Complete Discovery, Summary Judgment, and additional Document Requests (R. Doc. 20) and Motion to Dismiss the Defendants' Motion for Summary Judgment as Premature and to Strike the Affidavits of Ronnie Plauche and Trish Foster as Exhibits to the Defendants' Motion for Summary Judgment (R. Doc. 23). These Motions are not opposed.

To the extent that the plaintiff seeks an extension of time within which to propound discovery to the defendants, this request shall be denied. At the time that the plaintiff filed the instant motion, the discovery period had not yet elapsed and, as a result, the plaintiff's request for an extension was premature. Since that time, the plaintiff has propounded written discovery to the defendants, and it appears that, with the exception of the plaintiff's request for production of documents, the defendants have responded thereto. Accordingly, there is no need for an extension of time to propound discovery.

In the plaintiff's Motion for Extension, the plaintiff also sought leave to propound a total of eight requests for production of documents to the defendants (instead of the five (5) requests authorized by the Court in its Order of July 17, 2014 (R. Doc. 6), and the plaintiff filed the referenced requests into the record. *See* R. Doc. 21. The defendants have neither opposed the plaintiff's request to propound a total of eight (8) document requests nor submitted any

responses to the propounded requests. Accordingly, it is appropriate that the plaintiff's request to propound eight (8) document requests be granted and that the defendants be ordered to respond thereto.

Finally, the plaintiff also opposes the defendants' pending Motion for Summary Judgment as premature, requests an extension of time to respond thereto, and seeks to strike two affidavits attached to the defendants' motion, one as unsigned and invalid and the other as irrelevant. First, the defendants' Motion for Summary Judgment is not premature as such because there is no designated period before which such a motion may be filed. *See* Fed. R. Civ. P. 56. Notwithstanding, inasmuch as the Court will direct the defendants to respond to the plaintiff's outstanding requests for the production of documents, the Court finds it appropriate to also grant the plaintiff a brief period of time thereafter to supplement his response to the defendants' motion. Finally, inasmuch as the defendants have been allowed to submit a signed affidavit in the place of the previously-submitted unsigned affidavit of Ronnie Plauche, and inasmuch as the Court finds the affidavit of Trish Foster to be relevant to the issues before the Court, the Court will deny the plaintiff's motion to strike the two referenced affidavits. Accordingly,

**IT IS ORDERED** that the plaintiff's Motion for Extension to Complete Discovery, Summary Judgment, and additional Document Requests (R. Doc. 20) be and it is hereby **GRANTED IN PART**, such that the plaintiff is granted leave to propound the eight (8) requests for production of documents docketed as R. Doc. 21, and the defendants are directed to respond thereto within thirty (30) days of the date of this Order.

**IT IS FURTHER ORDERED** that the plaintiff's Motion to Dismiss the Defendants' Motion for Summary Judgment as Premature and to Strike the Affidavits of Ronnie Plauche and Trish Foster as Exhibits to the Defendants' Motion for Summary Judgment (R. Doc. 23) be and

it is hereby **GRANTED IN PART**, such that the plaintiff is granted a period of thirty (30) days after receipt of the defendants' responses to the plaintiff's document requests to supplement his opposition to the defendants' motion for summary judgment.

**IT IS FURTHER ORDERED** that the plaintiff's motions (R. Docs. 20 and 23) be and they are hereby **OTHERWISE DENIED**.

Signed in Baton Rouge, Louisiana, on March 30, 2015.



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**RICHARD L. BOURGEOIS, JR.**  
**UNITED STATES MAGISTRATE JUDGE**