

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

**EDMOND D. SPENCER (#253212)**

**CIVIL ACTION**

**VERSUS**

**WILLIAM ROSSO, ET AL.**

**NO. 15-0078-JWD-RLB**

**ORDER**

Before the Court are the plaintiff's Motion to Compel Responses (R. Doc. 40), Motion for Order to Compel Answer (R. Doc. 41), Motion for Judgment of Contempt (R. Doc. 48), Motion for Order to Produce Documents (R. Doc. 59), and Motion for Judgment of Contempt of Court (R. Doc. 63). The plaintiff complains therein that the defendants have failed to adequately respond to his written discovery and have failed to provide copies of updated medical records, specifically regarding an M.R.I. test conducted on August 28, 2015, and a consultation with an orthopedic specialist on October 5, 2015. The defendants have objected to the plaintiff's motions in certain respects. *See* R. Doc. 42.

The plaintiff's motions shall be denied for the most part. Inasmuch as the defendants have raised the defense of qualified immunity in their pending Motion to Dismiss (R. Doc. 9), and inasmuch as the assertion of this defense normally warrants a discontinuation of discovery until the Court has addressed the viability of the defense, *see Schulte v. Wood*, 47 F.3d 1427, 1434 (5<sup>th</sup> Cir. 1995), the Court has entered an Order staying discovery in this proceeding. *See* R. Doc. 53. Accordingly, the defendants need not provide further documentation in response to the plaintiff's written discovery and requests.

Notwithstanding the foregoing, although discovery has been stayed, limited discovery may be allowed for the purpose of obtaining the identities of defendants named in the Complaint. *See, e.g., Cowart v. Dallas County Jail*, 439 Fed. App. 332, 333 (5<sup>th</sup> Cir. 2011) (“Cowart was likely entitled to conduct discovery to determine the identities of the unnamed defendants, as ... readily available documentation would reveal the identities of some of the John Doe defendants”). Accordingly,

**IT IS ORDERED** that, with the exception noted below, the plaintiff’s Motion to Compel Responses (R. Doc. 40), Motion for Order to Compel Answer (R. Doc. 41), Motion for Judgment of Contempt (R. Doc. 48), Motion for Order to Produce Documents (R. Doc. 59), and Motion for Judgment of Contempt of Court (R. Doc. 63) are hereby **DENIED**.

**IT IS FURTHER ORDERED** that, within fourteen (14) days of the date of this Order, the defendants shall file a supplemental response to the plaintiff’s interrogatories nos. 4 and 5, identifying by name “the female E.M.T. that made sick-call rounds on Camp D Hawk 1-R on May 22, 2014” and “the LSP doctor who was working in the emergency room at the R.E. Barrow Treatment Center on May 22, 2014.”

Signed in Baton Rouge, Louisiana, on December 14, 2015.

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