

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

**STACEY WILLIAMS**

**CIVIL ACTION NO.**

**VERSUS**

**18-1020-EWD**

**MAGNOLIA CAFÉ, ET AL.**

**CONSENT**

**RULING AND ORDER**

Before the Court is a Third Motion to Compel Plaintiff to Respond to Outstanding Discovery and Request for Sanctions<sup>1</sup> (“Third Motion to Compel”), filed by Magnolia Café, Inc., Robin Marshall, Skye Willis, and Mary Daniel (“Defendants”). As the Motion is untimely, it will be denied.

Plaintiff filed suit on November 16, 2018 against Defendants alleging that she was discriminated against based on her race and that she was subjected to a hostile work environment while employed at Magnolia Café.<sup>2</sup> A scheduling conference was conducted on March 14, 2019, following which a scheduling order was entered.<sup>3</sup> Due to Plaintiff’s *pro se* status, the original scheduling order was amended to permit her an opportunity to obtain counsel.<sup>4</sup> Over the course of the litigation, discovery and other disputes have arisen which have caused Plaintiff and Defendants to seek relief from the Court. On September 29, 2020, the Court granted in part motions to compel filed by each side and established a deadline of October 15, 2020 for the parties to provide the additional information ordered in the Ruling.<sup>5</sup> Pursuant to a motion for extension of time filed by Plaintiff, she was given until November 5, 2020 to provide supplemental responses to Defendants’ discovery requests.<sup>6</sup> Because supplemental responses and production were

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<sup>1</sup> R. Doc. 134.

<sup>2</sup> R. Doc. 1.

<sup>3</sup> R. Docs. 18 and 19.

<sup>4</sup> R. Docs. 29 and 32. To date, Plaintiff has not retained counsel, nor has she filed the necessary information to ask the Court to request representation for her, despite that the Court has provided the required form to her as a courtesy. *See* R. Docs. 119 and 122.

<sup>5</sup> R. Doc. 84.

<sup>6</sup> R. Docs. 91 and 92.

ordered, an amended scheduling order was also issued.<sup>7</sup> That amended scheduling order established a November 24, 2020 fact discovery deadline. Every subsequent request to further continue the amended scheduling order deadlines was denied by the Court, either because the requests did not comply with the Federal Rules of Civil Procedure and the Local Civil Rules of this Court or because good cause was not shown for the continuance.<sup>8</sup> Although a pretrial order was due July 9, 2021, it has not been filed and Defendants have objected to the fact that Plaintiff has not participated in the drafting of the pretrial order.<sup>9</sup> Along with their objection to the lack of a pretrial order, Defendants have also filed the Third Motion to Compel, which seeks to compel Plaintiff to provide the responses as ordered by the Court in September 2020, as well as sanctions for Plaintiff's noncompliance.

Defendants have not sought to extend the November 24, 2020 deadline to complete fact discovery and file discovery motions, nor have defendants shown excusable neglect for failure to comply with the deadline. Plaintiff was given an extension to November 5, 2020 to comply with the September 29, 2020 Ruling and Order to supplement her discovery responses. Thus, her responses were due, at the latest, almost three weeks before the deadline to file discovery motions. While the Third Motion to Compel references Defendants' attempts to contact Plaintiff in May 2021, it does not explain the failure to seek earlier relief from the Court if Plaintiff was noncompliant with the discovery order. As excusable neglect has not been shown for a delay of over seven months in seeking to compel Plaintiff's discovery responses, the Third Motion to Compel is denied. To the extent Defendants seek to have Plaintiff held in contempt for failure to

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<sup>7</sup> R. Doc. 85.

<sup>8</sup> See R. Docs. 113, 119 and 122.

<sup>9</sup> R. Doc. 131.

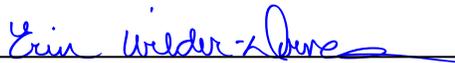
comply with the September 29, 2020 Ruling and Order or any other order of this Court, they shall file a motion for contempt by no later than July 20, 2021.<sup>10</sup>

Accordingly,

**IT IS ORDERED** that the Third Motion to Compel Plaintiff to Respond to Outstanding Discovery and Request for Sanctions,<sup>11</sup> filed by Magnolia Café, Inc., Robin Marshall, Skye Willis, and Mary Daniel is **DENIED** as untimely.

**IT IS FURTHER ORDERED** that to the extent Defendants seek to have Plaintiff held in contempt for failure to comply with the September 29, 2020 Ruling and Order or any other order of this Court, they shall file a motion for contempt by no later than **July 20, 2021**.

Signed in Baton Rouge, Louisiana, on July 16, 2021.



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**ERIN WILDER-DOOMES**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>10</sup> Defendants' request for an award of fees and costs associated with their Second Motion to Compel was denied without prejudice to reurging, if appropriate. Plaintiff was further advised that she may face sanctions, including dismissal of her suit, if she failed to comply with the September 29, 2020 Order. R. Doc. 84, p. 27.

<sup>11</sup> R. Doc. 134.