

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MAINE**

<b>WAYNE SCOVIL, ET AL.,</b>	)	
	)	
<b>PLAINTIFFS</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:10-cv-515-DBH</b>
	)	
<b>FEDEX GROUND PACKAGE</b>	)	
<b>SYSTEM, INC. <i>d/b/a FedEx</i></b>	)	
<b><i>Home Delivery,</i></b>	)	
	)	
<b>DEFENDANT</b>	)	

**ORDER ON DEFENDANT'S MOTION FOR LEAVE TO SERVE  
A QUESTIONNAIRE ON CLASS MEMBERS**

The defendants' motion for leave to serve a questionnaire on class members is **DENIED**. In February, 2012, the Magistrate Judge, with the parties' input, established a deadline of June 29, 2012, for "[c]ompletion of all fact discovery on the issue of liability," a deadline of April 16, 2012, to complete the depositions of opt-in plaintiffs that had been started but not completed, and a deadline of October 1, 2012 (or 60 days after the ruling on class certification whichever was later), for expert and damages discovery. Report of Tele. Conf. & Scheduling Order (ECF No. 92). On April 13, she extended the deadline for opt-in plaintiffs' depositions to April 19, without changing the other deadlines. Report of Tele. Conf. (ECF No. 104). On September 10, 2012, she established October 12, 2012, as the ultimate liability discovery deadline, meaning the expert liability discovery (that and damages discovery were the only discovery issues addressed in the parties' submissions (ECF Nos. 139, 141)), *i.e.*, 60 days

after my class certification Order of August 13, 2012. Report of Tele. Conf. (ECF No. 146). Thus, never did she extend the deadline for fact (non-expert) discovery on liability beyond June 29, 2012. The defendants' current motion, filed on September 14, 2012, is too far out of time to be permitted. The parties now are preparing for summary judgment and/or trial. This is not the time to reopen fact discovery.

**SO ORDERED.**

**DATED THIS 23<sup>RD</sup> DAY OF OCTOBER, 2012**

/s/D. Brock Hornby  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**