

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
**JAMES K. BREDAR**  
UNITED STATES MAGISTRATE JUDGE  
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October 26, 2009

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Subject: *Andrew Kane v. Brian Lewis et al.*  
Civil Case No. BEL-08-1157

Dear Counsel:

This matter has been previously referred to me for resolution of discovery matters. Pending is Plaintiff's Motion for Leave to Conduct Additional Discovery. (Paper No. 47.) The issues have been briefed (Paper No. 49) and no hearing is necessary. Loc. R. 105.6. The motion is GRANTED.

The undersigned has already addressed the relevance and propriety of discovery of the records of John Zweig, Ph.D., and concluded that Plaintiff is entitled to discovery of them. (Paper No. 44.) Dr. Zweig has advised Plaintiff's counsel that he made no records of his conversations with former Officer Brian Lewis and Officers John Lewis, Shorter, and Lowe. (Paper No. 47 at 3.) Consequently, Plaintiff has sought to depose Dr. Zweig. (*Id.*) Defendants have objected on the ground that Plaintiff needs the Court's leave to depose Dr. Zweig since it is now beyond the discovery deadline set by the presiding judge. (*Id.* at 4.) They contend that Plaintiff has failed to meet the standard of "excusable neglect" for failing to depose Dr. Zweig sooner.

The Court is well acquainted with the process over the past six months through which Plaintiff has labored to get to the point of seeking Dr. Zweig's deposition. Plaintiff has not neglected to pursue discovery, in the Court's view. Given the obstacles to discovery of Dr. Zweig's information, the Court concludes that the interests of justice are served by granting Plaintiff leave to depose Dr. Zweig.

Plaintiff's Motion (Paper No. 47) is GRANTED.

Letter Order to Counsel – *Kane v. Lewis*

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Despite the informal nature of this letter, it should be flagged as an Opinion and Order and docketed accordingly.

Very truly yours,

/s/

James K. Bredar  
United States Magistrate Judge

JKB/cw

cc: The Honorable Benson E. Legg  
Chambers File  
Court File