

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

LANCE MCCOY

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Plaintiff

\*

vs.

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CIVIL ACTION NO. MJG-13-3744

AMATEUR ATHLETIC UNION  
OF THE UNITED STATES, INC.

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Defendant

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MEMORANDUM AND ORDER RE: RECONSIDERATION

The Court has before it Defendant's Motion for Reconsideration [of the Order of May 16, 2014] [Document 62], and the materials submitted relating thereto. The Court finds no need for a hearing on the motion.

The Initial Scheduling Order [Document 59] provided:

1. The parties shall engage in initial discovery relating to Plaintiff's claim that Defendant Amateur Athletic Union of the United States, Inc. is liable for the alleged tortious conduct committed by Bryant Newmuis.
2. The limited discovery shall be completed by June 6, 2014.
3. Any summary judgment relating to the said claim shall be filed by June 20, 2014.
4. If appropriate in light of the resolution of any summary judgment motion, a further Scheduling Order permitting general discovery shall be issued.

By Motion filed May 15, 2014 [Document 60], Plaintiff - who apparently had not even commenced discovery from Defendant by

that date - represented that Defendant had agreed to an extension of discovery for 60 days. This was a misrepresentation. Defendant's counsel had, in fact, agreed only to extend the time for Plaintiff to provide complete discovery responses. On May 16, 2014, the Court, relying upon Plaintiff's misrepresentation, granted the Motion and issued an Order extending the discovery deadline to July 16, 2014.

[Document 61].

Upon review of the instant Motion, the Court issued its Memorandum and Order of May 27, 2014, [Document 63], rescinding its Order of May 16, 2014. The Court stated in the Memorandum and Order:

1. Plaintiff shall, by June 4, 2014, provide complete written discovery responses - including fully executed and signed answers to interrogatories and document request responses.
2. Plaintiff shall respond to the instant motion by June 10, 2014.
3. The summary judgment deadline in the Initial Scheduling Order shall be extended to a date to be set by further Order.

Presumably, Plaintiff has met the June 4, 2014 deadline. In response to the instant Motion, Plaintiff presents no reason why Plaintiff failed to proceed with discovery pursuant to the Initial Scheduling Order.

Under the circumstances, the Court will not extend the discovery deadline.

Accordingly:

1. Defendant's Motion for Reconsideration [of the Order of May 16, 2014], [Document 62], is GRANTED.
2. The discovery deadline set in the Initial Scheduling Order [Document 59] remains in effect.
3. The deadline for filing summary judgment motions is extended to August 29, 2014.
  - a. Plaintiff may, upon receipt of any summary judgment motion from Defendant, by September 8, 2014,<sup>1</sup> file a request that Defendant provide specified documents.<sup>2</sup>
  - b. Should Defendant not provide these specific documents,<sup>3</sup> by September 22, 2014, Plaintiff may include in his response to the Defendant's summary judgment motion an affidavit pursuant Rule 56(d) of the Federal Rules of Civil Procedure based upon his not having been provided these specific documents.<sup>4</sup>

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<sup>1</sup> This is a firm deadline.

<sup>2</sup> This does not authorize "discovery requests" but, rather, permits requests for specific documents that are directly relevant to contentions presented by Defendant in the summary judgment motion. There should be no misunderstanding, the discovery "fishing season" has not been reopened.

<sup>3</sup> Defendant is not, by this Order, required to comply with any request that may be made by Plaintiff.

<sup>4</sup> The Court will consider, in due course, whether any refusal to comply with a request is warranted by virtue of a lack of specificity, an absence of relevance or other appropriate basis.

c. Responses to any summary judgment motions shall be filed by October 22, 2014.

d. Any replies shall be filed by November 6, 2014.

SO ORDERED, on Friday, July 25, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
Marvin J. Garbis  
United States District Judge