

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ALBERTO L. GONZALEZ,)
Plaintiff)
)
v.) C.A. No. 11-cv-30271-MAP
)
TIMOTHY V. DOOLING, ET AL.,)
Defendants)

MEMORANDUM AND ORDER REGARDING
PLAINTIFF'S MOTION TO COMPEL AND FOR COSTS,
DEFENDANTS' MOTION FOR PROTECTIVE ORDER,
AND DEFENDANT HALL'S MOTION FOR PROTECTIVE ORDER
AND TO RESET DISCOVERY DEADLINES
(Dkt. Nos. 113, 116 & 119)

January 31, 2014

PONSOR, U.S.D.J.

A discovery dispute has arisen among the parties in this case, and three related motions are currently pending. A fourth motion, Motion to Compel Documents (Dkt. No. 125), has been filed but it is not yet ripe for decision.

Having reviewed the papers, the court hereby **ALLOWS**, in part, and **DENIES**, in part, Plaintiff's Motion to Compel (Dkt. No. 113), Defendants' Motion for Protective Order (Dkt. No. 116), and Defendant Hall's Motion for Protective Order and to Reset Discovery Deadlines (Dkt. No. 119).

The court hereby orders as follows:

1. Counsel will work together to schedule the remaining depositions of all previously noticed witnesses. Each deposition shall be scheduled for

a date no later than February 28, 2014. Any deposition previously conducted, but suspended, shall also be completed by February 28, 2014. Failure of a witness to attend the deposition will subject the party to Rule 37 sanctions.

2. As a result of Defendant Howard-Hogan's and Pease's failure to attend their depositions, Plaintiff is entitled to recover attorney's fees for Attorney Thompson's 2.3 hours spent at the duly noticed depositions (\$705), the .5 hours spent preparing the Motion to Compel (\$150), and the costs of the stenographic services (\$225).

3. To the extent new defense counsel enters the case, they will be expected to comply with this order.

4. Defendants' Motion for Summary Judgment, if any, will be due by March 28, 14. Plaintiff's opposition, together with his cross-motion for summary judgment, will be due by April 18, 2014, to which Defendants may respond by May 9, 2014.

5. The remainder of Magistrate Judge Kenneth P. Neiman's Scheduling Order, (Dkt. No. 106), including the summary judgment hearing set for May 28, 2014, remains in effect.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
United States District Judge