

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR BATSON,

Plaintiff,

No. 17-12214

v.

District Judge David M. Lawson
Magistrate Judge R. Steven Whalen

GENESSEE COUNTY SHERIFF'S
DEPUTY "HOOVER," ET AL.,

Defendants.

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ORDER

On July 18, 2018, A. Rodgers, R.N., filed an emergency motion to quash subpoena and motion for protective order [Doc. #39], seeking to quash her deposition, which was noticed for July 20, 2018. Plaintiff filed a response on July 19, 2018 [Doc. #42], and the motion was referred to me on July 19, 2018 as well. On that date I conducted a telephonic conference with counsel.

Nurse Rogers was served with the subpoena on July 12, 2018. The subpoena directs her to produce a number of documents pertaining to Plaintiff's medical treatment at the Genesee County Jail. Discovery closed on July 15, 2018. *See Scheduling Order* [Doc. #19]. The deposition is noticed for a date that is beyond the discovery cut-off date.

Because the subpoena does not afford Nurse Rogers sufficient time to comply, and because it violates the Scheduling Order, which provides that discovery must be *completed* by July 15, 2018, Nurse Rogers' motion [Doc. #39] is GRANTED, and the subpoena is QUASHED.

This Order is without prejudice to Plaintiff issuing a new subpoena and/or deposition notice to Nurse Rogers if the Court grants Plaintiff's pending motion to adjourn the scheduling order [Doc. #36].

IT IS SO ORDERED.

Dated: July 19, 2018

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify on July 19, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on July 19, 2018.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen