

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KANDICE ASHBY,

Case No. 23-12152
Plaintiff, Honorable Linda V. Parker
Magistrate Judge Elizabeth A. Stafford

v.

A&J BROTHERS, INC., *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO COMPEL
(ECF NO. 11)**

Plaintiff Kandice Ashby moves to compel discovery responses, initial disclosures, and a deposition from Defendant A&J Brothers, Inc. ECF No. 11. The Honorable Linda V. Parker referred this motion to the undersigned under 28 U.S.C. § 636(b)(1). ECF No. 14. The Court finds that Ashby's motion was filed too late.

Under the amended scheduling order, the discovery cut-off was July 12, 2024. ECF No. 10, PageID.64. Ashby filed her motion over a month after discovery closed and did not explain why the motion was not filed

earlier. ECF No. 11.¹ “Absent express permission from the court, parties should assume that the discovery deadline is the end of discovery.” *Boone v. Stieve*, 642 F. Supp. 3d 597, 603 (E.D. Mich. 2022). Thus, courts may deny discovery motions filed after the discovery deadline. See *Pittman v. Experian Info. Sols., Inc.*, 901 F.3d 619, 642 (6th Cir. 2018) (noting that “courts have denied discovery motions filed after the close of discovery” and that “[r]eviewing courts have also affirmed the denial of untimely motions to compel”).

The Court thus **DENIES** Ashby’s motion to compel (ECF No. 11).

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: August 28, 2024

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous

¹ Ashby also violated this Court’s Electronic Filing Policies and Procedures Rule 19(b)(3), which says, “Each exhibit must then be filed and identified as a separate attachment to the paper and must be labeled in the electronic record with an exhibit identifier and brief narrative description.” Instead of filing the exhibits as required by this rule, Ashby attached one document that would require the Court to scroll through 90 pages.

or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 28, 2024.

s/Julie Owens _____
JULIE OWENS
Case Manager