

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**SHAMROCK WOOD INDUSTRIES, INC.,  
d/b/a SHAMROCK PLANK FLOORING**

**PLAINTIFF**

v.

**CIVIL ACTION NO. 3:16CV262-NBB-RP**

**H.B. FULLER COMPANY**

**DEFENDANT**

**ORDER DENYING MOTION TO COMPEL**

On January 18, 2018, the day before the discovery deadline, defendant H.B. Fuller filed a motion to compel plaintiff to produce email communications in response to discovery requests and requested the court to appoint a computer forensic specialist, at plaintiff's expense, to examine plaintiff's server to identify documents requested during discovery. Docket 78. The court has reviewed the motion, plaintiff's response, and Fuller's reply and finds that it should be DENIED.

Local Uniform Civil Rule 7(b)(2)(B) requires a party to "file a discovery motion sufficiently in advance of the discovery deadline to allow response to the motion, ruling by the court and time to effectuate the court's order before the discovery deadline." The discovery deadline, which has already been extended twice during the course of this litigation, expired on January 19, 2018. Docket 73. The last Order granting defendant's motion for an extension of time advised all parties that "[t]here will be no further extensions of deadlines . . ." Docket 73. In addition to meritorious defenses that exist in response to defendant's motion to compel, defendant's motion fails to comply with L.U.Civ.R. 7(b)(2)(B) because it was not filed sufficiently in advance of the discovery deadline to allow response, ruling and effectuation of the court's ruling on the motion before the deadline.

Therefore, it is

**ORDERED**

defendant's motion to compel is DENIED.

THIS, the 9th day of February, 2018.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE