

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**PENG Z. ANDERSON**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:10cv469-TSL-MTP**

**MISSISSIPPI BAPTIST MEDICAL CENTER  
BETHANY HILL**

**DEFENDANTS**

**ORDER ON MOTIONS**

Pending are Plaintiff's motions for additional time to complete discovery [32] and to take additional depositions [33]. For the reasons which follow, the motion for additional time will be granted in part and denied in part and the motion to take additional depositions will be denied.

**Additional time for discovery** – The request for additional time (30 days) to complete discovery is not supported by good cause. The only reason given for the proposed extension is that Plaintiff now desires to take additional depositions after having filed a second set of written discovery near the discovery deadline. Though a case management order was entered on December 30, 2010 (*see* Order [8]), the docket does not reflect that a single deposition was noticed prior to May 6, 2011. Docket Entries [27]-[31]. No reasons are given for the delay in taking depositions or why all depositions must be scheduled for the last minute. Likewise, no reasons are given why the few remaining depositions cannot be completed prior to the current discovery deadline of June 20, 2011.

The court will extend the discovery deadline for two weeks only or until July 6, 2011. Likewise, the motions deadline for all motions except motions *in limine* will be extended by two

weeks or until July 20, 2011.<sup>1</sup>

**Additional depositions** – The request for additional depositions is denied on two grounds. First, the discovery motion is not accompanied by a good faith certificate as required by the local rules. *See* L.U. Civ. R. 37(a). The rule requires the parties to discuss such matters before a motion is filed in order to eliminate unnecessary motions or to narrow the issues in dispute.

The second ground is related to the first. As the defendants point out, the motion states that Plaintiff wishes to depose eight fact witnesses, including Bethany Hill, Brenda Howie, Princess Foster, and Deborah Hollingsworth; however, the motion fails to identify the remaining four fact witnesses—referring to them only as Plaintiff’s treating physicians. A good faith conference may have eliminated this concern and perhaps even the need to file a motion. Plaintiff did not reply to the response, provide additional information or otherwise provide good cause to justify the proposed extra depositions.

IT IS, THEREFORE, ORDERED that Plaintiff’s motion for additional time to complete discovery is granted in part and denied in part as set for above. The motion to take additional depositions is denied.

SO ORDERED, this the 23rd day of May, 2011.

s/ Michael T. Parker  
United States Magistrate Judge

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<sup>1</sup> Defendants do not oppose an extension of the discovery deadline provided the motions deadline is also extended. *See* Response [34].