

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SCOTT O’ROURKE, )  
)  
Plaintiff, )  
)  
vs. )  
)  
DAVID KING, et al., )  
)  
Defendants. )

Case No. 4:16-CV-01795-AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendants’ motion to quash four notices of deposition served by Plaintiffs after the December 1, 2017 close of discovery. Plaintiff opposes the motion to quash the deposition of St. Louis Metropolitan Police Department Lieutenant Timothy Sachs, but Plaintiff “recalls the other three Notices of Deposition” at issue. ECF No. 40 at 4. Sachs was the supervisor on duty the evening that Plaintiff was injured in the events giving rise to this lawsuit. Plaintiff attaches correspondence between counsel reflecting that Plaintiffs had attempted to schedule Sachs’s deposition more than a month before the close of discovery, but defense counsel informed Plaintiff that Sachs would be unavailable until December and that Sachs had no personal recollection of the incident that is the subject of this lawsuit.

In reply, Defendants reiterate that the Court should quash the notice of deposition for Sachs because it is untimely and because Sachs does not possess pertinent information.

Upon careful consideration of the parties' arguments, the Court will deny Defendants' motion as to Sachs. Although Plaintiff did not file a motion to extend the discovery deadline, the Court believes good cause exists to extend the deadline in order to complete the deposition of Sachs, and that the notice of deposition is otherwise within the scope of discovery permissible under the Federal Rules of Civil Procedure. If this extension requires further amendment of the Case Management Order, the parties should confer in good faith and file any appropriate motion for such amendment.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants' motion to quash and for a protective order is **DENIED in part**, with respect to the notice of deposition of Lieutenant Timothy Sachs, and is otherwise **GRANTED**. ECF No. 37.

**IT IS FURTHER ORDERED** that the parties shall confer in good faith to find a mutually agreeable date for the deposition within the next **30 days**.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 8th day of December, 2017.