

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CERTIFIED ENTERS., INC., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:17-CV-202 SNLJ
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The United States has moved for an order extending the July 26, 2018 discovery deadline for the limited purpose of taking the deposition of plaintiffs’ former employee, John Figueroa. Federal Rule of Civil Procedure 16 allows for modification of a scheduling order “only for good cause and with the judge’s consent.” Good cause may be shown by “the moving party’s diligence in attempting to meet the case management order’s requirements.” *Bradford v. DANA Corp.*, 249 F.3d 807, 809 (8th Cir. 2001).

The United States has completed ten depositions in this case. Some of those deponents voluntarily agreed to appear at depositions, and some required subpoenas. The United States attempted to serve John Figueroa with a subpoena six times between July 17 and July 22, but he could not be located. The United States requests a three-week extension to the discovery period in order to serve and depose Mr. Figueroa.

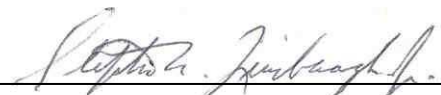
The plaintiffs object to the extension because Mr. Figueroa had not previously been disclosed by the United States as a person with knowledge, and it has not been clear what information the United States seeks to obtain from him. Plaintiffs also argue that the United States has not been diligent in seeking the deposition.

The United States responds that it seeks to find out whether Mr. Figueroa worked as an employee of more than one entity related to these proceedings, which is relevant to the alter ego analysis required for this case. “The United States seeks Figueroa’s testimony to fill in the[] gaps left in the testimony of Plaintiffs’ President and Rule 30(b)(6) designee on this topic.” (#63 at 3.) Regardless, the United States has been diligent in seeking Mr. Figueroa’s deposition and promptly filed its motion to extend the deadline for the limited purpose of the Figueroa deposition.

Accordingly,

IT IS HEREBY ORDERED that the United States’ motion to extend the discovery deadline for limited purpose of one deposition (#61) is GRANTED, and the deadline is extended to August 23, 2018.

Dated this 1st day of August, 2018.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE