

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RAINA KUGLER,

Plaintiff,

- against -

JOHN E. POTTER, POSTMASTER GENERAL,
et al.,

Defendant.

-----X
ROSLYNN R. MAUSKOPF, United States District Judge.

MEMORANDUM AND
OPINION
11-CV-648 (RRM)(RLM)

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ DEC 12 2012 ★

BROOKLYN OFFICE

Plaintiff Raina Kugler asks the Court to stay the briefing schedule on Defendant's Motion for Summary Judgment, as ordered by the Court on November 9, 2012. (*See* Doc. Nos. 58, 59.)

Kugler seeks the stay in order to depose a United States Postal Service employee who could rebut the Defendant's representation at the pre-motion conference held before this Court on November 9, 2012 that all limited duty employees, like Plaintiff, were reassigned from the facility where Plaintiff also worked.

Defendant responds that Plaintiff's motion is untimely because discovery has closed in this matter and she has not shown good cause for reopening discovery. (Doc. No. 60.) The Court agrees with Defendant. Plaintiff has had ample time to depose individuals and gather evidence about whether all limited duty employees were reassigned, and knew or should have known that information would be relevant to her claim moving forward, regardless of Defendant's representation at the pre-motion conference. Because "discovery should not be extended when a party had ample opportunity to pursue the evidence during discovery," *Gotlin v. Lederman*, 05-CV-3736, 2007 WL 1429431, at *3 (E.D.N.Y. May 7, 2007) (internal quotation marks and citations omitted), Plaintiff's motion is DENIED.

In light of the delay caused by Plaintiff's motion, the briefing schedule on Defendant's motion for summary judgment is hereby amended: Defendant shall serve his motion papers by December 21, 2012; Plaintiff shall serve her opposition papers by January 21, 2013; Defendant shall serve his reply papers, if any, on Plaintiff and file his fully briefed motion by February 6, 2013.

SO ORDERED.

Dated: Brooklyn, New York
December 11, 2012

s/Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge