

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No.: 5:17-CV-187-BO

PASSPORT HEALTH, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
AVANCE HEALTH SYSTEM, INC.,	)	
	)	
Defendant.	)	

This matter comes before the court on Defendant’s motion to extend the deadlines for fact discovery and for filing dispositive motions. [DE-38]. The initial deadlines were May 30, 2018 to complete fact discovery and June 28, 2018 to file dispositive motions [DE-22], and the motion was filed prior to expiration of the deadlines. Defendant seeks to depose certain fact witnesses on June 27 and 28, 2018, and to extend the dispositive motions deadline to July 30, 2018. [DE-38] ¶¶ 5–6. Plaintiff filed a response in opposition to the motion [DE-41], but later consented to extension of the dispositive motions deadline, and the parties filed a joint motion related thereto. [DE-42]. The court has considered Defendant’s request to extend the fact discovery deadline for the purpose of completing fact witness depositions on June 27 and 28, 2018, as well as Plaintiff’s opposition thereto, and finds good cause to allow the extension.

One week after filing its first motion and one day after filing the joint motion, Defendant filed a motion to compel the appearance of the same fact witnesses for deposition that were the subject of the first motion and also sought sanctions and expedited relief. [DE-43]. Plaintiff filed a response in opposition. [DE-45]. The court finds the motion to compel appearance is mooted by the allowance of Defendant’s first motion. Furthermore, Plaintiff stated in its initial response brief

that, notwithstanding its objections, it would produce the noticed witnesses on June 27 and 28 if the court so ordered. The court finds sanctions are not warranted under Fed. R. Civ. P. 37(a)(5).

Accordingly, the motions to extend deadlines [DE-38, -42] are allowed and the motion to compel [DE-43] is denied as moot. The discovery deadline is extended for the limited purpose of allowing the requested June 27 and 28, 2018 fact witness depositions, and dispositive motions shall be filed no later than July 30, 2018.

So ordered, the 15th day of June 2018.



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Robert B. Jones, Jr.  
United States Magistrate Judge