

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SHONITA BLACK,
Plaintiff,

vs.

SHELIA KYLE-RENO, et al.,
Defendants.

Case No. 1:12-cv-503

Dlott, J.
Litkovitz, M.J.

ORDER

This matter is before the Court following an informal telephonic discovery conference held on March 31, 2015. Defendants requested the conference to address concerns raised by two subpoenas duces tecum issued by plaintiff to Hamilton County Job and Family Services (JFS) and Hamilton County Juvenile Court on March 16, 2015, the last day of the discovery period in this case. Each party submitted a position paper to the undersigned. Defendants raised the following issues concerning plaintiff's subpoenas: (1) whether plaintiff's requests for information and documents were timely; (2) if the requests were timely, the logistics of responding to the requests; (3) the impact of plaintiff's request on the dispositive motion schedule; and (4) the scope of certain requests. Plaintiff presented her position as to why the subpoenas are valid and relevant.

The Court finds that the subpoenas duces tecum issued by plaintiff on March 16, 2015, are not timely pursuant to the Standing Orders of both Judge Dlott and the undersigned Magistrate Judge. Each Standing Order clearly states: "Discovery requests must be made at such time that responses thereto are due before the discovery deadline." Standing Order on Civil Procedures, § I.D. Plaintiff's subpoenas, which seek among other information all email communications of five juvenile court magistrates over a four-year period, audiovisual recordings, and documentation of numerous court proceedings, were issued on the date the

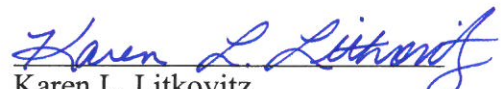
discovery deadline expired. Therefore, a response was not possible before the discovery deadline as the Standing Orders require. Because plaintiff did not issue the subpoenas in a timely manner, she is not entitled to proceed with the subpoenas.

In addition to the time bar imposed by the Standing Orders, the procedural posture of this case weighs against allowing discovery to proceed past the March 16, 2015 deadline. The complaint in this matter was filed approximately three years ago on July 2, 2012. (Doc. 1). A discovery deadline of January 15, 2014, was initially established. (Doc. 24). The discovery deadline has subsequently been extended four times. (*See* Doc. 33- deadline extended to June 1, 2014; Doc. 52- deadline extended to August 1, 2014; Doc. 67- deadline extended to Feb. 2, 2015; Doc. 69- deadline extended to March 16, 2015). Further, over the course of the discovery period, the Court has conducted five informal discovery conferences. (Docs. 26, 32, 51, 68, 75). The parties thus have had ample opportunity to conduct any needed discovery and to resolve any outstanding discovery issues. Any further delays would disrupt the timely resolution of this lawsuit, which has a dispositive motion deadline of April 16, 2015, and tentative final pretrial conference and trial dates of July and August, 2015, respectively.¹

For these reasons, plaintiff is barred from proceeding with the subpoenas issued to JFS and Hamilton County Juvenile Court on March 16, 2015.

IT IS SO ORDERED.

Date: 4/1/15


Karen L. Litkovitz
United States Magistrate Judge

¹ As the undersigned previously noted when extending the deadlines, the Civil Justice Reform Act of 1990 provides that civil cases brought in federal court should be tried within three years of the date of filing. 28 U.S.C. § 476(a)(3).