

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

M. MARINKOVIC,)	
)	
Plaintiff,)	Civil Action No. 1:14-cv-0049
v.)	
)	Judge Mark R. Hornak
DAVID K. BATTAGLIA, <i>et al</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

On October 20, 2017, this Court entered an Order (ECF No. 134) granting Defendants’ Motion to Compel (ECF No. 129) in full and granting Plaintiff’s Motion to Compel (ECF No. 127) in part. Specifically, the Court ordered Defendants to respond to Plaintiff’s Requests for Admission (on behalf of themselves only) on or before November 3, 2017. The Court also ordered Plaintiff to “produce all documents responsive to Defendants’ Rule 34 Requests for Production, including the audio recordings references herein, on or before November 3, 2017.” (ECF No. 129 at 5).

On November 2, 2017, Plaintiff filed a Notice of Appeal of the October 20, 2017 Order. (ECF No. 141). On March 13, 2018, the Court of Appeals for the Third Circuit dismissed Plaintiff’s appeal for lack of appellate jurisdiction. (ECF No. 144).

Now that Plaintiff’s appeal has been resolved, the parties are reminded of their obligations to comply with the Court’s October 20, 2017 Order. Because the original deadlines have now passed, the Court substitutes the following deadlines for compliance:

Defendants shall respond to Plaintiff’s Requests for Admission on behalf of themselves only on or before April 12, 2018, in a manner otherwise consistent with the instructions set forth in the October 20, 2017 Order.

Plaintiff shall produce all documents responsive to Defendants' Rule 34 Requests for Production, including the audio recordings referenced in the October 20, 2017 Order, on or before April 12, 2018, in a manner otherwise consistent with the instructions set forth in the October 20, 2017 Order.

Because these discovery matters have already been the subject of extensive briefing, including several motions to compel, motions for sanctions, motions for reconsideration, and an interlocutory appeal, the parties are cautioned that any attempt to seek reconsideration of the October 20, 2017 Order will be denied absent the most compelling of circumstances. Moreover, because the parties have now had almost five months since the Order was entered in which to gather the necessary discovery materials, no requests for extension will be granted, absent the most compelling of circumstances.

IT IS SO ORDERED.



Mark R. Hornak
United States District Judge

Dated: March 26, 2018

cc: All Counsel of Record

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