

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

TYREE LAWSON,
Plaintiff

vs.

WILLIAM BLOSS, JAMES
WOLFGANG,
Defendants

Case No. 1:17-cv-00038 (ERIE)

RICHARD A. LANZILLO
UNITED STATES MAGISTRATE JUDGE

O R D E R

Presently before the Court is Plaintiff Tyree Lawson's Motion to Compel Disclosure of Defendants' Motion for Summary Judgment, ECF No. 98. Plaintiff's motion essentially seeks two things: (1) copies of Defendants' Motion for Summary Judgment and related filings, and (2) an extension of time to respond to the Motion for Summary Judgment. Plaintiff's motion is granted in part and denied in part as set forth below.

In this motion, Plaintiff states that, as of February 1, 2019, he has not received copies of the Defendants' Motion for Summary Judgment and related filings. The docket in this matter reveals that the Defendants filed their Motion for Summary Judgment, Brief in Support, Concise Statement of Material Facts, and Appendix on December 28, 2019. *See* ECF Nos. 87-90. That same day, the Defendants also filed a Response in Opposition to Lawson's Motion for Summary Judgment as well as a Response to Lawson's Concise Statement of Material Facts. *See* ECF Nos. 91-92.

On January 4, 2019, the Court entered an order setting February 4, 2019, at the due date for any Response the Plaintiff wishes to file in opposition to the Defendants' Motion for

Summary Judgment. ECF No. 93. On January 7, 2019, the Court received Plaintiff's Motion to Oppose Defendants' Deposition Record, which the Court denied, instructing the Plaintiff that, "to the extent Plaintiff wishes to clarify his deposition testimony or object to any portion thereof, Plaintiff may do so by attaching an affidavit to his response to Defendants' Motion for Summary Judgment." ECF No. 95.

Now, Plaintiff has filed a Motion to Compel Disclosure of Defendant's Motion for Summary Judgment. The Defendants' Motion for Summary Judgment contains a Certificate of Service, in which Deputy Attorney General Sandra A. Kozlowski certifies that a copy of the motion was sent to the Plaintiff via First-Class United States Mail to the Plaintiff at the following address:

Tyree Lawson, JW2704
SCI Phoenix
Smart Communications/PADOC
PO Box 33028
St. Petersburg, FL 33733.

ECF No.87 at 3. The other documents filed contemporaneously by the Defendants contain identical certifications. *See* ECF No. 88, at 10; ECF 89, at 4-5; ECF No. 90, at 3; ECF No. 91, at 4; ECF No. 92, at 5. Despite these Certificates of Service, Plaintiff now represents that he never received any of these documents. Therefore, out of an abundance of caution, the Court will provide Plaintiff an additional thirty days from the date of this order to file his Response in Opposition to Defendants' Motion for Summary Judgment. That response is now due on or before March 11, 2019. Because of the voluminous nature of Defendants' summary judgment papers, the Court is not providing copies to Plaintiff at his time. However, the Plaintiff is instructed to notify the Court in the event he has not received copies of the Defendants' Motion for Summary Judgment, Brief in Support, Concise Statement of Material Fact, and Appendix, as

well as the Defendants' Response in Opposition to Plaintiff's Motion for Summary Judgment and Response to Plaintiff's Concise Statement of Material Fact by March 1, 2019.

So ordered.

s/Richard A. Lanzillo
RICHARD A. LANZILLO
UNITED STATES MAGISTRATE JUDGE

Entered this 12th day of February, 2019.