

(“RA”) that occurred between February 23, 2013, and February 23, 2015, remanded the case to this Court, and directed Plaintiff Sandra Timpson “to specify which Defendants, if any, she claims retaliated against her during this period and to state, with specificity, how they did so.” *Id.* at 15. On May 24, 2022, this Court issued a text order “directing Plaintiff Sandra Timpson to file an amended complaint pursuant to the United States Court of Appeals for the Fourth Circuit’s ruling on her appeal within 30 days.” ECF No. 426. Plaintiffs filed their Second Amended Complaint on June 23, 2022. ECF No. 435.

On November 30, 2022, the Court held a telephone discovery conference with the parties in an effort to resolve their disputes regarding Plaintiffs’ requested Rule 30(b)(6) depositions at issue here. ECF No. 448. The Court encouraged the parties to continue working to resolve the discovery disputes, but if they were unable to do so, then Plaintiffs were permitted to file a motion to compel by December 15, 2022. *Id.* On that date, Plaintiffs filed the instant Motion to Compel, Defendants filed Responses in Opposition, and Plaintiffs filed Replies. ECF Nos. 452, 453, 454, 455, 457, 458, 459. The Motion is now before the Court.

APPLICABLE LAW

Federal Rule of Civil Procedure 26(b)(1) limits the scope of discovery to “any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” A matter is relevant if it has any tendency to make a fact of consequence to the action more or less probable than it would be otherwise. Fed. R. Evid. 401. The district court may broadly construe this and the other rules enabling discovery, but it “must limit the frequency or extent of discovery otherwise allowed” if it determines that the discovery sought is “unreasonably cumulative or duplicative, or can

be obtained from some other source that is more convenient, less burdensome, or less expensive”; if the requesting party “has had ample opportunity to obtain the information by discovery in the action”; or if it is otherwise “outside the scope permitted by Rule 26(b)(1).” Fed R. Civ. P. 26(b)(2). “The scope and conduct of discovery are within the sound discretion of the district court.” *Columbus-Am. Discovery Grp. v. Atl. Mut. Ins. Co.*, 56 F.3d 556, 568 n.16 (4th Cir. 1993).

DISCUSSION

The present discovery dispute arises out of a set of deposition notices sent from Plaintiffs to Defendants. Specifically, Plaintiffs seek to compel Rule 30(b)(6) depositions of witnesses representing each of the three Defendants. ECF No. 452. The notices requested the following depositions:

1. Rule 30(b)(6) witness of the South Carolina Department of Disabilities and Special Needs re critical incident reports involving residents of Tiny Greer group home and policies, directives and reports of sexual activities of clients who have intellectual disabilities at Tiny Greer Group home, records related to residents of Tiny Greer group home who are registered sex offenders, reports of misappropriation of SNAP benefits in DDSN facilities, all critical incident reports and investigations involving Johnny Timpson, any and all knowledge of matters related to Johnny Timpson and Sandra Timpson from 2013 through 2016 and other matters related to alleged retaliation against Sandra Timpson.
2. Rule 30(b)(6) witness of Anderson Disabilities and Special Needs Board re critical incident reports involving residents of Tiny Greer group home and policies, directives and reports of sexual activities of clients who have intellectual disabilities at Tiny Greer Group home, records related to residents of Tiny Greer group home who are registered sex offenders, reports of misappropriation of SNAP benefits in DDSN facilities, all critical incident reports and investigations involving Johnny Timpson, any and all knowledge of matters related to Johnny Timpson and

Sandra Timpson from 2013 through 2016 and other matters related to alleged retaliation against Sandra Timpson.

3. Rule 30(b)(6) witness of Greenville Thrive and/or Greenville Disabilities and Special Needs Board re critical incident reports involving residents of Tiny Greer group home and policies, directives and reports of sexual activities of clients who have intellectual disabilities at Tiny Greer Group home, records related to residents of Tiny Greer group home who are registered sex offenders, reports of misappropriation of SNAP benefits in DDSN facilities, all critical incident reports and investigations involving Johnny Timpson, any and all knowledge of matters related to Johnny Timpson and Sandra Timpson from 2013 through 2016 and other matters related to alleged retaliation against Sandra Timpson.

ECF No. 452-1 at 1–2.

Having considered the arguments and submissions of the parties, the Court denies Plaintiffs' Motion to Compel. At the outset, the Court notes that this case was remanded for the limited purpose of extending the statute of limitations for Sandra Timpson's claims of retaliation pursuant to the ADA and the RA. While Plaintiffs were limited to a one-year statute of limitations for such claims at trial, no such limitation was imposed as to Plaintiffs' discovery of information relevant to the alleged retaliation. In fact, Plaintiffs had a full and fair opportunity to engage in discovery relative to the protected activity, the alleged retaliatory acts, the motivation for such retaliation, and the temporal nexus between the protected activity and the retaliatory acts. Indeed, it is apparent that Plaintiffs have adduced such evidence, as the arguments in their Motion are much less about the need for additional information than a highly factual argument on the merits.

Turning to the deposition notices at issue here, Plaintiffs' requests would be overly broad on their face even if they were Plaintiffs' initial discovery effort in this matter. There

is no specificity as to the type of information sought nor any relevant time period to properly limit the scope of the inquiry. In fact, in Plaintiffs' memorandum in support of their Motion, they seem to argue that deponents could be asked about Johnny Timpson's records from the Whitten Center from many years earlier. Therefore, in light of the procedural posture of this case, the Court finds Plaintiffs' Rule 30(b)(6) deposition notices seek information well beyond the scope of that allowed by Federal Rule of Civil Procedure 26. The excessive and overly broad topics are simply not proportional to the needs of the case given the limited scope of the claims on remand and Plaintiffs' prior opportunity for discovery. Moreover, the time allowed for discovery in the parties' current scheduling order has now passed. Accordingly, no further discovery requests shall be permitted.

CONCLUSION

For the reasons set forth above, Plaintiffs' Motion to Compel [452] is **DENIED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

February 6, 2023
Spartanburg, South Carolina