

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

RAYMOND KOUGH and MARY KOUGH,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:12-CV-250-PLR-HBG
	)	
WING ENTERPRISES, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

On November 14, 2014, the parties appeared before the Court to address the Defendants’ Motion to Amend Court’s Scheduling Order Entered December 13, 2012, and Revised Order Entered April 9, 2014, or, in the Alternative, Defendants’ Motion to Compel Production of Documents and Things Pursuant to F.R.C.P. 34, [Doc. 27].

Counsel for the Defendants argued that the Scheduling Order should be modified to allow sufficient time to file a motion to compel, if needed. In addition, Defendants’ counsel moved the Court to order the Plaintiffs to comply with the Court’s December 2012 Order directing the Plaintiffs to file their amended complaint, and finally, counsel for the Defendants noted that Plaintiffs have tentatively agreed to dismiss their claims for lost wages, if they are unable to produce tax returns within a reasonable time.

Counsel for the Plaintiffs did not oppose the relief requested by the Defendants and agreed that the Plaintiffs could file their amended complaint, as was proposed almost two years ago, within three to five days of the hearing. Finally, counsel agreed that if Plaintiffs could not

produce tax returns for the relevant period, they would likely dismiss their wage and lost income claims.

Having considered the parties' positions and the procedural posture of this case, it is

**ORDERED:**

1. Section 4(h) of the Scheduling Order is **MODIFIED** to state: All discovery of any kind shall be completed **sixty (60) days** prior to trial, and any Motions to Compel must be filed no later than **thirty-five (35) days** after the deadline for completing discovery expires.
2. The Plaintiffs are **ORDERED** to file their amended complaint in the record as their operative pleading by **November 19, 2014**.
3. The Plaintiffs are **ORDERED** to, either, produce the tax returns requested by Defendants to Defendants' counsel or to file a notice of dismissal with regard to the wage and lost income claims on or before **December 5, 2014**.
4. Finally, the parties are reminded that this case is set for trial on **January 27, 2015**, and they are admonished to work diligently to prepare this matter for trial at that time.

**IT IS SO ORDERED.**

ENTER:

  
United States Magistrate Judge