

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ASH EQUIPMENT, INC.,)	
d/b/a AMERICAN HYDRO,)	
)	
Plaintiff,)	
)	
v.)	No. 3:14-CV-442-PLR-CCS
)	
2X HYDRO-DEMOLITION, LLC, and)	
DONALD G. LAVIERS,)	
)	
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.

Now before the Court is a Motion for Expedited Discovery [Doc. 7], filed September 23, 2014. In the motion, Plaintiff moves the Court to permit it to serve discovery upon the Defendants prior to serving the Defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure and prior to conducting a discovery conference as required by Rule 26 of the Federal Rules of Civil Procedure. Plaintiff moves the Court to order Defendants to respond to twenty-pages of interrogatories and requests for production on or before October 6, 2014, or no later than five (5) business days prior to any preliminary injunction hearing set by the District Judge.

The Court has considered the Plaintiff’s request, and the Court finds that the Plaintiff has not shown good cause for ordering Defendants to respond to the discovery in such an abbreviated period. Plaintiff filed its motion on the day before the Clerk of Court issued summonses for the Defendants, and there is no evidence in the record to demonstrate that the

summons and initial pleadings have been served on Defendants. Moreover, no attorney has appeared on behalf of the Defendants.

Plaintiff asks that Defendants be ordered to respond to the discovery within ten (10) days of its motion, *i.e.* nine (9) days of the summons issuing, despite the fact that Plaintiff has no assurance that it will be able to serve the Defendants in this period. For obvious reasons, the Defendants presumably have no knowledge¹ of the requested relief and are not able to respond to the requested relief. Without knowledge of the request or an opportunity to respond, the Court is disinclined to grant the Plaintiff the relief it seeks.

Accordingly, the Motion for Expedited Discovery [**Doc. 7**] is **DENIED WITHOUT PREJUDICE**, to all refiling as appropriate.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹ Plaintiff indicates that Defendants will be served with a copy of the motion when it is served with the initial pleadings.