

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BAIRD TREE CO., INC. and BOBBY D. BAIRD,)
)
Plaintiffs,)
)
v.)
)
PLATEAU ELECTRIC COOPERATIVE and)
GALLOWAY CONSTRUCTION, LLC,)
)
Defendants.)
)

No. 3:15-CV-02-TAV-CCS

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 January 6, 2015, this case was removed to this Court from the Circuit Court for Scott County, Tennessee. In opening the case, the Clerk of Court docketed certain motions that were pending with the state court. Some of these motions date back as far as July 2013, see, e.g. Doc. 1-4. Because Rule 26 of the Federal Rules of Civil Procedure now governs discovery in this matter and because the discovery issues presented in these motions will need to be updated prior to adjudication, the Court finds that all of the pending discovery motions in this case should be denied without prejudice, to allow refiling if appropriate.

Accordingly, the Plaintiffs’ Motion to Compel Discovery and Motion to Enlarge Time to Respond to Defendant’s Motion to Dismiss, Plaintiffs’ Renewed Motion to Compel Discovery and Motion to Hold in Abeyance Defendant’s Motion for Protective Order, Plaintiffs’ Supplemental Motion to Compel Discovery and Motion to Stay Hearing on Defendant’s Motion to Dismiss, and Defendant Plateau Electric Cooperative’s Motion for Protective Order are

DENIED WITHOUT PREJUDICE. These motions may be refiled, as appropriate, after the parties have conducted their Rule 26(f) conference, filed their discovery plan, made initial disclosures (if they have not already done so), and began discovery in this case.

IT IS SO ORDERED.

ENTER:

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