

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

TERRY RICHARDSON d/b/a Terry Richardson Concrete, LLC)	
)	
)	No. 2-12-0109
v.)	
)	
MACK MECHANICAL, INC.; and AMERICAN SAFETY CASUALTY INSURANCE COMPANY)	
)	

ORDER

Counsel for the parties called the Court on July 11, 2014, at which time the following matters were addressed:

1. The plaintiff's motion for extension of discovery deadline and motion to compel deposition (Docket Entry No. 55) was GRANTED in part and MOOT in part.¹
2. The plaintiff's motion for protective order (Docket Entry No. 61) was GRANTED.
3. The plaintiff WITHDREW its motion for sanctions (Docket Entry No. 62), and the Clerk is directed to terminate that motion as pending.
4. The plaintiff's motion for extension of discovery schedule (Docket Entry No. 63) was GRANTED as provided below.
5. The defendants were directed to serve responses to the plaintiff's outstanding requests for production no later than July 21, 2014.
6. The depositions noticed by the defendants of the plaintiff and a Rule 30(b)(6) deposition of the plaintiff on July 15, 2014 (Docket Entry Nos. 59 and 60) will be rescheduled. The defendants shall provide a list of the topics upon which the defendants want to depose the plaintiff's Rule 30(b)(6) witness.

¹ The deposition of the custodian of records for defendant Mack Mechanical was taken on June 10, 2014.

7. The July 15, 2014, deadline for completion of all discovery was extended to September 2, 2014. The parties anticipate taking 3-4 depositions, including the depositions addressed above.

8. The August 25, 2014, deadline for filing any dispositive motion is extended to October 15, 2014. Any response shall be filed within 30 days of the filing of the motion or by November 14, 2014, if the motion is filed on October 15, 2014. Any reply, if necessary, shall be filed within 21 days of the filing of the response or by December 5, 2014, if the response is filed on November 14, 2014.

No other filings in support of or in opposition to any dispositive motion shall be made after December 5, 2014, except with the express permission of the Honorable Kevin H. Sharp.

Since the July 11, 2014, conference call, the plaintiff filed an offer of judgment (Docket Entry No. 64). Since an offer of judgment is not to be filed unless and until it is accepted by the opposing party, and, instead, is to only be served on opposing counsel, the Clerk is directed to place Docket Entry No. 64 UNDER SEAL.

Also since the July 11, 2014, conference call, the plaintiff has filed a second motion for sanctions (Docket Entry No. 67), an amended second motion for sanctions (Docket Entry No. 68), and a motion for hearing on the plaintiff's second motion for sanctions (Docket Entry No. 69).

Inasmuch as the plaintiff filed an amended second motion for sanctions, the second motion for sanctions (Docket Entry No. 67) is DENIED as MOOT.

The plaintiff's motion for a hearing (Docket Entry No. 69) is GRANTED.

A hearing is scheduled on **Tuesday, August 12, 2014, at 12:00 noon**, in Courtroom 764 U.S. Courthouse, 801 Broadway, Nashville, TN, to address the plaintiff's amended second motion for sanctions (Docket Entry No. 68). The parties shall also be prepared to address whether they want to strike the defendants' offer of judgment in its entirety from the record.

The hearing may be held telephonically, at the plaintiff's option, to be initiated by plaintiff's counsel.

If this date and time presents scheduling conflicts for counsel, they shall confer and call Ms. Jeanne Cox, Courtroom Deputy, to reschedule.

The Court strongly encourages defendants' counsel to initiate a telephone conversation with plaintiff's counsel to attempt to resolve the remaining issues prior to August 12, 2014.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge