

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES HUFFNAGLE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	NO. 3:11-1009
)	Judge Campbell/Bryant
ANTHONY LOIACONO, et al.,)	Jury Demand
)	
Defendants.)	

O R D E R

Plaintiffs have filed their motion for protective order to quash notices of depositions and to extend the discovery deadline (Docket Entry No. 51). By this motion plaintiffs seek an order quashing notices to take the depositions of plaintiffs during the week beginning Monday, April 15, 2013. Plaintiffs additionally seek an extension of the deadline for completion of fact discovery. As grounds, plaintiffs' counsel states that she is unavailable for depositions during the week of April 15 because she is scheduled to begin a two-week trial on Monday, April 22, 2013, in Cheatham County, and that she will be engaged in pretrial activities during the week of April 15.

Plaintiffs also argue that their depositions should not proceed because defendants have not fully responded to certain written discovery.

In their response (Docket Entry No. 54), defendants assert that they have been attempting unsuccessfully for months to schedule agreeable dates for depositions of the plaintiffs. The attached emails between counsel demonstrate that numerous potential deposition dates have been proposed and rejected due to scheduling conflicts in the calendars either of counsel or the parties.

Defense counsel state, in substance, that they have noticed the depositions of the plaintiffs for the week beginning April 15 because no other acceptable dates have been proposed and the current deadline for completing fact discovery is May 1, 2013.

From a review of the motion, the response, and the related filings of the parties, the undersigned Magistrate Judge finds that plaintiffs' motion to quash the deposition notices for the week of April 15 should be GRANTED due to the unavailability of plaintiffs' counsel during that week. The undersigned further finds, however, that these depositions need to be taken as soon as reasonably possible, and that the deadline for completing fact discovery should be EXTENDED from May 1, 2013, until **July 31, 2013**. Counsel are directed to confer in good faith in an attempt to reschedule the depositions of the plaintiffs at a mutually agreeable time with due consideration to the schedules of all involved. If agreement cannot be reached, the parties may proceed to schedule these depositions by notice in accordance with the Federal Rules of Civil Procedure. Plaintiffs shall not be permitted to postpone these depositions on the ground that defendants have not fully responded to written discovery.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge