

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

J.W., et al.,)	
)	
Plaintiffs)	
)	
v.)	No. 3:12-01083
)	Judge Nixon/Bryant
CLARKSVILLE/MONTGOMERY COUNTY)	
SCHOOL SYSTEM,)	
)	
Defendant)	

O R D E R

The Senior District Judge has referred to the undersigned Magistrate Judge Plaintiffs' request, contained in their response to Defendant's motion to ascertain status (Docket Entry No. 38), for a modification of the scheduling order to permit completion of discovery. Defendant in its reply (Docket Entry No. 41) opposes such modification and argues that grounds for it do not exist.

The undersigned Magistrate Judge conducted a hearing on this matter on August 28, 2014. Plaintiffs' counsel participated by telephone and defense counsel appeared in the courtroom. Upon questioning by the undersigned, Plaintiffs' counsel stated that she had not yet received from the court reporters certain transcripts of depositions taken in June, and that she needed to review these transcripts in order to determine whether she needed additional discovery. Plaintiffs' counsel further stated that she had contacted, or was about to contact, the court reporters involved, and expected to have possessions of these deposition transcripts within the next few days.

With respect to the pending summary judgment motion,

which appears to be fully briefed, Plaintiffs' counsel stated that she thought that some of the deposition testimony in the deposition transcripts not yet received may have some bearing on Defendant's motion. However, Plaintiffs have filed no affidavit or declaration in compliance with Rule 56(b) of the Federal Rules of Civil Procedure specifying any additional proof they need in order to respond to Defendant's pending motion for summary judgment.

In summary, other than the stated need to obtain court reporters transcripts of depositions taken in June of this year, Plaintiffs' counsel has failed to describe specifically any additional discovery that is needed in order to try this case when scheduled or to respond to Defendant's pending motion for summary judgment. In the absence of such evidence, the undersigned Magistrate Judge finds that Plaintiffs' request to modify the case management order should be **DENIED**.

It is so **ORDERED**.

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