

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NANCY FLYNN

§

V.

§

A-16-CV-667-LY

§

§

THE NORTHERN TRUST COMPANY

§

**ORDER**

Before the Court are: Defendant The Northern Trust Company’s Motion to Compel Plaintiff’s Discovery Responses (Dkt. No. 17); Plaintiff Response (Dkt. No. 21); Plaintiff’s Motion to Compel Discovery (Dkt. No. 18); and Defendant’s Response (Dkt. No. 23). The District Court referred the discovery dispute to the undersigned Magistrate Judge for resolution.

**I. Background**

Plaintiff Nancy Flynn is a former Associate Investment Portfolio Manager at Northern Trust. She alleges sex discrimination and retaliation in violation of Title VII and Chapter 21 of the Texas Labor Code. The District Court entered a Scheduling Order (Dkt. No. 12) in this case on December 21, 2016. The Scheduling Order provided that the parties should complete discovery on or before June 9, 2017. That Order also stated “Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances.”

Northern Trust moves to compel Flynn to respond to and supplement discovery it served on her January 3, 2017. Flynn moves to compel Northern Trust to respond and supplement responses to her Second Request for Production, which was served on May 6, 2017, with responses due June 8, 2017. By agreement, Northern Trust responded on June 16, 2017.

## II. Analysis

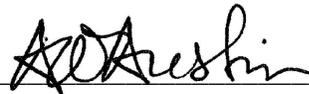
In addition to the provision in the parties' scheduling order quoted above, the Local Rules also address when discovery motions may be filed after the close of discovery:

Unopposed discovery may continue after the deadline for discovery contained in the scheduling order, provided that discovery does not delay other pretrial preparations or the trial setting. Absent exceptional circumstances, no motions relating to discovery, including motions under Rules 26(c), 29, and 37, shall be filed after the expiration of the discovery deadline, unless they are filed within 7 days after the discovery deadline and pertain to conduct occurring during the final 7 days of discovery.

Local Rule CV-16(d). In this case, neither party's motion falls within these parameters. Northern Trust filed its motion on June 29, 2017, nearly three weeks after the close of discovery. It served that discovery on Flynn in early January 2017, and thus could have raised these matters long before discovery ended. Flynn, who received discovery responses on June 16, 2017, failed to file a motion until June 30, 2017, again, three weeks after the close of discovery. Moreover, neither party has argued why exceptional circumstances exist in this case necessitating the Court's intervention.

Because each motion is untimely, The Northern Trust Company's Motion to Compel (Dkt. No. 17) and Plaintiff's Motion to Compel Discovery (Dkt. No. 18) are **DENIED**.

SIGNED this 14<sup>th</sup> of July, 2017.



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ANDREW W. AUSTIN  
UNITED STATES MAGISTRATE JUDGE