

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN EAKIN,

Plaintiff,

v.

AMERICAN BATTLE MONUMENTS
COMMISSION, et al.,

Defendants.

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SA-12-CA-1002 FB (HJB)

ORDER

Before the Court is Plaintiff's Opposed Motion to Commence Discovery. (Docket Entry 51.) Non-dispositive motions in this case have been referred to the undersigned for ruling pursuant to 28 U.S.C. § 636(b). (Docket Entry 4.)

A hearing on Plaintiff's Motion was held on April 10, 2014. In accordance with the Court's ruling at that hearing, it is hereby **ORDERED** that Plaintiff's Motion (Docket Entry 51) is **GRANTED IN PART**. The parties may engage in documentary discovery at this time, under Federal Rules of Civil Procedure 26, 33, 34 and 36. Should either party wish to conduct depositions pursuant to Federal Rules of Civil Procedure 30 or 31, that party must seek leave from the Court. Should Defendants refuse discovery based on the "deliberative-process" privilege, they must follow the procedures in Federal Rule of Civil Procedure 26(b)(5). *See also Redland Soccer Club, Inc., et al. v. Dep't of the Army*, 55 F.3d 827, 853–54 (3d Cir. 1995) (describing proceedings to address deliberative process privilege). Any unresolved matters in that regard may be brought to the Court's attention by way of a motion for protective order under Federal Rule of Civil Procedure 26(c), or a motion to compel under Federal Rule of Civil Procedure 37(a).

The parties must complete discovery by **October 10, 2014**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

SIGNED on April 11, 2014.



Henry J. Bemporad
United States Magistrate Judge