

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 12 2007

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ROBERT WILLIAMS, *et al.*,

Plaintiffs,

v.

MIKE JOHANNES, *et al.*,

Defendants.

Civil Action No. 03-2245 (CKK/JMF)

MEMORANDUM OPINION and ORDER

Plaintiffs have moved the Court, once again, to extend the deadline for the conclusion of discovery from June 15, 2007, to October 15, 2007.

The extraordinary litigation history of this case will be described in a memorandum opinion to follow. For present purposes, it suffices to review the discovery that Plaintiffs have propounded and the depositions they have taken during the discovery period that is about to end. It is, at best, minimal.

Discovery began in July of 2005. From that date to at least March of 2007, Plaintiffs engaged in no discovery whatsoever. More specifically, they did not give notice of their intention to take any depositions until those they noticed in the week before discovery is to end. The persons to now be deposed include: the President of the United States, the Deputy Secretary of the United States Department of Agriculture, the Chief of Staff of the United States Department of Agriculture, and the Director of the Office of Civil Rights. Plaintiffs contend that during their depositions they recounted a meeting with the President and then with other persons to be deposed and that these meetings provided evidence of persons with "direct and relevant knowledge regarding the

matters before the Court.” Motion to Extend Discovery Deadline and Request for Expedited Ruling at 3. Plaintiffs argue that this “newly discovered” evidence justifies the extension of the deadline in order for them to now conduct the discovery they seek. Id.

But, Plaintiffs have been aware of the meetings to which they refer since they occurred and cannot possibly say to have recently “discovered” their existence and significance. The more accurate statement is that Plaintiffs have known since the meetings took place of the participants they now seek to depose and the knowledge the participants allegedly have, but Plaintiffs waited until one week before discovery ended to even begin the process of arranging to take depositions—even though discovery began nearly two years ago and has been extended on multiple occasions. Even with the multiple stays granted in this case, Plaintiffs’ waiting so late in the process to begin depositions hardly justifies the extension they seek.

Plaintiffs’ Motion to Extend Discovery Deadline and Request for Expedited Ruling is granted insofar as it seeks an expedited ruling and is otherwise denied. The Clerk of the Court is hereby ordered to send a copy of this Memorandum Opinion and Order directly to Plaintiffs Laverne and Robert Williams.

SO ORDERED.



JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: 6/11/07