

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

and

SHERI CALVO, VERONICA FERREK and
MELISSA SCARBOROUGH,

Intervenor-Plaintiffs,

v.

CASE NO. 8:99-CV-1371-T-17MAP

RIO BRAVO INTERNATIONAL, INC. and
INNOVATIVE RESTAURANT CONCEPTS,
INC., d/b/a RIO BRAVO CANTINA,

Defendants/Third-Party Plaintiffs,

v.

ROBERT EVANS,

Third-Party Defendant.

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ORDER

THIS CAUSE is before the Court on Defendants' Motion to Compel Production of Documents, Updated Damages Disclosures, and Depositions (doc. 318) and Plaintiff EEOC's response thereto (doc. 335). As Plaintiffs have withdrawn their claims for economic damages, the only issue before the Court is Defendants' request to depose Plaintiff Melissa Scarborough and her psychiatrist, Dr. Debra Barnett. Defendants move to reopen discovery to take these depositions because this information relating to Ms. Scarborough's claim of

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emotional distress was not provided until after discovery had closed. Although Defendants may not have known about Dr. Barnett, they previously reopened discovery to conduct two psychological evaluations of Ms. Scarborough in July 2001 by Drs. Stein and Otto, approximately one month after Dr. Barnett's sessions on May 4 and 22, 2001. Furthermore, Dr. Barnett is not listed on Plaintiffs' witness list¹, and Defendants have Dr. Barnett's records of her treatment of Ms. Scarborough since September 19, 2002. Defendants have not demonstrated Dr. Barnett could supply any additional information not provided by Drs. Stein and Otto. Therefore, I find Defendants have not demonstrated good cause to reopen discovery. See Middle District Discovery at 4. Accordingly, it is

ORDERED:

1. Defendants' Motion to Compel Production of Documents and Updated Damages Disclosures, and Depositions (docs. 318-1, 318-2) are MOOT.
2. Defendants' Motion to Compel Depositions (doc. 318-3) is DENIED.
3. Plaintiffs' Consented Motion for Extension of Time is MOOT.

DONE AND ORDERED at Tampa, Florida, on this 14 day of April, 2003.




MARK A. PIZZO
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record

¹ Dr. Barnett is listed on Defendant's witness list with the caveat that she may be called depending on what she testifies to at her deposition.

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