

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

KIMBERLY A. HIVELY

Plaintiff,

v.

IVY TECH COMMUNITY COLLEGE,

Defendant.

CAUSE NO. 3:14-CV-1791-JD-MGG

**JOINT MOTION FOR LEAVE**

Plaintiff Kimberly Hively and Defendant Ivy Tech Community College jointly file this motion for leave to take the deposition of non-party Beth Green after the discovery deadline, but not to move the discovery deadline. Ms. Green's deposition is the last one set in the case. The discovery deadline is now June 11, 2018. The schedule in this case has been previously extended and the Court has admonished the parties to avoid seeking further extensions. The parties do not seek an extension now, but rather ask that they be permitted to depose a single non-party witness on June 20, 2018, nine days after the current deadline. Availability on that date has now been confirmed by the non-party witness and both parties.

Ms. Green's deposition was originally set for May 15<sup>th</sup>, but due to a tragedy in her family, was reset to May 30<sup>th</sup>. Attorney Dan Pfeifer had been set to take this deposition for Plaintiff on both May 15<sup>th</sup> and then May 30<sup>th</sup>, and Adam Bartrom for Defendant. An issue arose regarding the timing of the deposition on May 30<sup>th</sup> and the deposition was reset for June 4<sup>th</sup>, but Mr. Pfeifer and his co-counsel, Ms. Healey, are unavailable that day. Ms. Healey also currently has a medical issue that limits her ability to travel at this time. Rather than enmesh the Court in these scheduling challenges, the parties instead compromised by agreeing to jointly ask for leave

to complete Ms. Green's deposition on June 20, 2018, shortly after the present discovery deadline. All other scheduled depositions have been completed and Ms. Green is the last deposition currently outstanding.

**CONCLUSION AND PRAYER**

The parties request the Court enter an order that the deposition of non-party Beth Green may be completed after the June 11, 2018 discovery deadline at a time and place as agreed by Counsel and the witness and otherwise in accordance with the Court's scheduling orders.

Date: May 31, 2018

Respectfully submitted,

**PFEIFER, MORGAN & STESIAK**

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**ORDER**

Pending before the Court is the Parties' Joint Motion for Leave. The Motion is Granted. The deposition of Beth Green may be taken after the June 11, 2018 discovery deadline at a time and place as agreed by counsel and the witness.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Judge