

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

Ashley DIAMOND,

Plaintiff,

v.

Arneika SMITH,

Defendant.

Civil Action File No.  
5:21-cv-378-MTT

**AMENDED JOINT MOTION FOR AN AMENDED SCHEDULING ORDER  
TO EXTEND TIME FOR DISCOVERY**

COMES NOW the parties, Plaintiff Ashley Diamond and Defendant Arneika Smith and, upon agreement of counsel, hereby request the Court allow the parties an additional thirty (30) days for discovery. In support of their Motion, the parties show this Court the following:

1.

This is a civil rights action filed by an inmate against a former correctional officer filed on November 23, 2020. [Docs. 1 & 36 (Complaint and amended Complaint, respectively).] The claims against Defendant Arneika Smith were severed by this Court's Order on November 1, 2021. [Doc. 114.]

2.

The Order severing the case set the close of discovery on February 25, 2022. [Doc. 114.] The parties have actively and diligently pursued discovery in the action.

However, the parties are currently at an apparent impasse over discovery requests that may require Court resolution. In addition, several depositions are still needed. The parties believe that the discovery issues can be resolved and the depositions can be timely completed with a short discovery extension of thirty (30) days.

3.

The thirty (30) day extension would set the close of discovery on March 25, 2022. This extension would extend the due date for dispositive motions and Daubert motions to April 25, 2022.

4.

The parties are in agreement that this additional period to complete discovery is equitable, just, and appropriate as the same is in the best interests of all parties.

WHEREFORE, the parties jointly pray that the Court approve and adopt the proposed Amended Scheduling Order which is attached.

Respectfully submitted this 7<sup>th</sup> day of January, 2022.

/s/ Annarita L. McGovern  
ANNARITA L. MCGOVERN  
Georgia Bar No. 098141

/s/ Terry L. Long  
TERRY L. LONG  
Georgia Bar No. 457460

***Counsel for Defendant Arneika S. Smith***

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**With the approval of:**

/s/ Elizabeth Littrell  
ELIZABETH LITTRELL  
Georgia Bar No. 454949  
***Counsel for Plaintiff***  
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**AMENDED SCHEDULING ORDER**

Upon good cause being shown and with the mutual consent of the parties, the following due dates are adopted to amend the Court's most recent Scheduling Order [Doc. 114]: The close of discovery shall be on and including March 25, 2022. The due date for dispositive motions and Daubert motions shall be on and including April 25, 2022. All other provisions of the Scheduling Order shall remain in full force and effect.

SO ORDERED the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MARC T. TREADWELL, CHIEF JUDGE  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF GEORGIA

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this day served a copy of the foregoing **AMENDED JOINT MOTION FOR AN AMENDED SCHEDULING ORDER TO EXTEND TIME FOR DISCOVERY** via the CM/ECF electronic filing system which will send electronic notifications to the parties and counsel of record as follows:

Elizabeth Littrell  
Tyler Rose Clemons  
Maya G. Rajaratnam  
Southern Poverty Law Center  
Chinyere Ezie  
Center for Constitutional Rights  
*Counsel for Plaintiff*

This 7<sup>th</sup> day of January, 2022.

## **SATCHER & MCGOVERN LLC**

/s/ Annarita L. McGovern  
ANNARITA L. MCGOVERN  
Georgia Bar No. 098141  
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