

JOHN C. FURUTANI v. U.S. General Accounting Office

Docket No. 00-01

Date Issued: July 18, 2000

Cite as: Furutani v. GAO, Docket No. 00-01 (7/18/00)

Before: Anne M. Wagner, Administrative Judge

Headnotes:

Discovery

Extension of Time

ORDER

C.F.R. §28.42(d)(5). In the April 25 Order granting the second extension, the parties were expressly cautioned about the importance of the Board's regulations, particularly those pertaining to deadlines for discovery:

The timeframe for the progress and completion of discovery is clearly set forth in the Board's regulations, 4 C.F.R. §28.41. These deadlines are not to be taken lightly, as any extension of time--even "for good cause" under 4 C.F.R. §28.4--sets back the expeditious resolution of the case. See 4 C.F.R. §28.40. [Order at 1-2.]

Both parties were also reminded of the regulatory provision that discovery is to be completed with a minimum of Board involvement. Order at 2.

Petitioner's latest motion for an enlargement of time would extend the discovery period 102 days beyond the date of her latest request and 183 days beyond the 65 days provided by regulation. As noted above, this request is at odds with the Board's general interest in expeditious resolution of employee appeals. Further, while noting that several discovery disputes

Petitioner's filing and that "[d]iscovery limits may be altered by the Administrative Judge for **good cause shown**." [Emphasis added]. At Petitioner's request, the discovery period was extended to May 13, 2000, because of the appearance of counsel for Petitioner and the filing of an amended Petition for Review. See Order of March 22, 2000. Agency counsel consented to that extension. At the Agency's request and with Petitioner's consent, the discovery period was extended to June 23, 2000, for reasons of travel by counsel for both parties and the volume of documents involved. See Order of Apr. 25, 2000. Neither Petitioner nor Respondent consented to the other party's recent request to extend discovery.

have erupted between the parties, Petitioner fails to explain why such a lengthy extension is warranted.

For the reasons set forth above, Petitioner's Motion for Enlargement of Time for Discovery is hereby **denied**.

The parties are again reminded of the provisions of the Board's regulations governing discovery:

Discovery is designed to enable a party to obtain relevant information needed for presentation of the party's case. These regulations will be interpreted and applied so as to avoid delay and to facilitate adjudication of the case. The parties are expected to initiate and complete needed discovery with a minimum of Board intervention. [4 C.F.R. §28.40.]

As stated in the Order of July 3, 2000, **the discovery period will close on Monday July 31, 2000.**

SO ORDERED.

Date: 7-18-00

AS
Anne M. Wagner
Administrative Judge