

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 20-21553-Civ-COOKE/GOODMAN

PATRICK GAYLE, *et al.*,

Petitioners,

vs.

MICHAEL W. MEADE, *et. al.*,

Respondents.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS MATTER is before the Court upon Magistrate Judge Jonathan Goodman's Report and Recommendation (the "Report") on Petitioners' Request for Second Rule 30(b)(6) Deposition, which Judge Goodman issued on April 7, 2021. ECF No. 633. In his Report, Judge Goodman explains that Petitioners want to take a second 30(b)(6) deposition because while Respondents' 30(b)(6) designees previously testified that ICE did not have a plan in place to vaccinate any of the detainees at the three facilities at issue in this case, "ICE has now received a formal, written vaccination plan -- and it is effective January 25, 2021." *Id.* at p. 3. Petitioners' apparently did not become aware of the existence of such a plan until March 9, 2021 when Respondents produced the plan to Petitioners. *Id.* at p. 4.

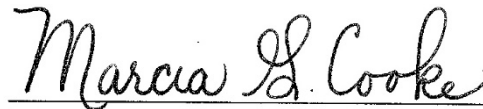
Respondents filed a summary judgment motion on January 4, 2021. ECF No. 484. And Respondents filed their reply brief in support of that motion on February 16, 2021. ECF No. 553. Thus, the reply brief was submitted *after* the effective date of the vaccination plan; yet, Respondents did not give any indication that such a plan existed in their reply brief. This is baffling to the Court as the existence of a vaccination plan for the detainees at the three detention facilities at issue in this case will likely have significant impact on the Parties' deliberate indifference arguments at trial. As such, Judge Goodman recommends that Petitioners be permitted to depose Respondents 30(b)(6) designees on ICE's vaccination plan for detainees at the three facilities at issue in this case.

The Parties were permitted to file objections to Judge Goodman's Report by noon on April 9, 2021. No such objections were filed. Moreover, the Undersigned finds Judge

Goodman's Report to be clear, cogent, and compelling. Accordingly, it is hereby **ORDERED and ADJUDGED** that Judge Goodman's Report and Recommendation (ECF No. 633) is **AFFIRMED and ADOPTED** as the Order of this Court. To ensure that these depositions do not disturb the trial schedule for this case, it is further **ORDERED and ADJUDGED** as follows:

1. The 30(b)(6) depositions are limited to two hours per designee (for a maximum of six hours);
2. The depositions must be taken by **April 19, 2021**;
3. If Petitioners are able to obtain an expedited deposition transcript, then they may arrange for their expert witness to produce a supplemental report by **April 21, 2021**; and
4. Respondents are permitted to take a follow-up deposition of Petitioners' expert by **April 26, 2021** if any new or different opinions are provided in the supplemental expert report.

DONE and ORDERED in Chambers at Miami, Florida this 11th day of April 2021.



MARCIA G. COOKE

United States District Judge

Copies furnished to:

Jonathan Goodman, U.S. Magistrate Judge

Counsel of record