

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Jazmine Chantel Gammon v. FedEx Ground Package Systems, Inc.

Gammon · No. CIV-24-1317-G · Decided February 18, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma addresses three motions filed by pro se plaintiff Jazmine Chantel Gammon in an employment discrimination action against FedEx Ground Package Systems, Inc. The court denies the motion to use a treating physician’s deposition at trial, denies the motion for a protective order, and denies without prejudice the motion to compel discovery. The parties are directed to meet and confer regarding the remaining discovery disputes.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Vaal B. Kodo
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	February 18, 2026
DOCKET	CIV-24-1317-G
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to use her treating physician's deposition testimony at trial instead of live testimony, sought a protective order staying or quashing Defendant's deposition notice, and moved to compel discovery responses.
STANDARD OF REVIEW	The court applied the requirements of Federal Rule of Civil Procedure 32(a)(4)(E) to Plaintiff's request to use deposition testimony and reviewed the discovery motions under the Federal Rules of Civil Procedure and Local Civil Rule 37.1.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Jazmine Chantel Gammon v. FedEx Ground Package Systems, Inc.

TOPICS

- discovery dispute
- civil procedure
- employment discrimination

PRACTICE AREAS

civil procedure

employment law

employment discrimination

discovery

QUESTIONS PRESENTED

1. Whether Plaintiff established exceptional circumstances under Federal Rule of Civil Procedure 32(a)(4)(E) permitting her to use her expert's deposition testimony at trial instead of live testimony.
2. Whether Plaintiff's motion for a protective order should be granted based on alleged unresolved discovery disputes and Defendant's initially noticed deposition.
3. Whether Plaintiff's motion to compel should be decided before the parties personally met and conferred in good faith regarding the narrowed discovery requests.

HOLDINGS

1. Plaintiff failed to establish exceptional circumstances under Federal Rule of Civil Procedure 32(a)(4)(E) because her asserted financial limitations and the expert's scheduling preferences did not show that the expert could not appear at trial.
2. The portion of Plaintiff's protective-order motion challenging Defendant's deposition notice was moot because Defendant withdrew the notice, and the motion was otherwise denied because unresolved discovery disputes did not entitle Plaintiff to delay her deposition.
3. The motion to compel was denied without prejudice because, in light of the parties' disagreement about their prior conference and the narrowed requests, the parties needed to personally meet and confer in good faith before seeking court intervention.

KEY QUOTATIONS

"[a] party may use for any purpose the deposition of a witness" (unpaginated)

"exceptional circumstances make it desirable—in the interest of justice and with due regard to the importance of live testimony in open court—to permit the deposition to be used." (unpaginated)

"the 'exceptional circumstances' must be a reason the deponent cannot appear, not merely serious prejudice that would result if the court did not admit the deposition testimony." (unpaginated)

"discovery by one party does not require any other party to delay its discovery." (unpaginated)

FACTUAL BACKGROUND

Plaintiff identified Ahmed B. Buksh, DPM, as her treating physician and retained expert and sought to use his deposition testimony at trial because of financial limitations and his medical practice schedule. Defendant had noticed Plaintiff's deposition, but later withdrew the notice. Plaintiff also sought substantive responses to specified interrogatories and requests for production, while Defendant disputed whether the parties had adequately met and conferred regarding all of the requests.

PROCEDURAL HISTORY

Plaintiff brought federal and state employment discrimination claims against Defendant. During discovery, Plaintiff filed motions concerning expert testimony, a noticed deposition, and responses to discovery requests. The court denied the motion concerning expert testimony, denied the motion for protective order, denied the motion to compel without prejudice, and ordered the parties to meet and confer before Plaintiff could renew the motion to compel.

DISPOSITION

other

CASES CITED

- *Angelo v. Armstrong World Indus., Inc.*, 11 F.3d 957, 963-64 (10th Cir. 1993)
- *Allgeier v. United States*, 909 F.2d 869, 876 (6th Cir. 1990)
- *Liguria Foods, Inc. v. Griffith Laboratories, Inc.*, 320 F.R.D. 168, 183 (N.D. Iowa 2017)

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