

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

Andrew Cooperrider, et al. v. Ray Perry, et al.

Cooperrider · No. 3:22-cv-00016-GFVT-EBA · Decided April 13, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky overruled the plaintiffs’ objections to a magistrate judge’s discovery order under the clearly erroneous or contrary to law standard. The court held that Governor Andrew Beshear was not required to participate in discovery because the plaintiffs had not shown extraordinary circumstances or that the information could not be obtained through other means. The court also noted that the discovery order did not prohibit a Rule 30(b)(6) deposition of the Department of Alcoholic Beverage Control and deferred clarification of that issue to the magistrate judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	April 13, 2026
DOCKET	3:22-cv-00016-GFVT-EBA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs objected under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72 to a magistrate judge's non-dispositive discovery order and requested reconsideration.
STANDARD OF REVIEW	A district court may reconsider a magistrate judge's non-dispositive pretrial order only if it is clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Andrew Cooperrider, et al. v. Ray Perry, et al.

TOPICS

- discovery dispute
- motion for reconsideration
- civil procedure
- civil rights
- government liability

PRACTICE AREAS

civil procedure

civil rights

administrative law

QUESTIONS PRESENTED

1. Whether the magistrate judge's decision not to require former defendant Governor Andrew Beshear to participate in discovery was clearly erroneous or contrary to law.
2. Whether the magistrate judge's discovery order improperly precluded plaintiffs from taking a Rule 30(b)(6) deposition of the Department of Alcoholic Beverage Control.

HOLDINGS

1. A district court may disturb a magistrate judge's non-dispositive discovery ruling only when the ruling is clearly erroneous or contrary to law.
2. Plaintiffs were not entitled to require former Governor Andrew Beshear to participate in discovery because they failed to establish the extraordinary circumstances required for discovery from a high-ranking government official.
3. The magistrate judge's order did not decide whether plaintiffs could take a Rule 30(b)(6) deposition of the Department of Alcoholic Beverage Control, and the district court therefore declined to disturb the order and deferred to the magistrate judge to clarify the matter.

KEY QUOTATIONS

"The district Court will only disturb that ruling if it is contrary to law or clearly erroneous." (Opinion section II)

"Except in extraordinary circumstances, high-ranking officials may not be subjected to depositions or called to testify regarding their official actions." (Opinion section II.A)

"Under the extraordinary circumstances test, depositions of high-ranking officials may be permitted (1) where the official has first-hand knowledge related to the claim being litigated and (2) where it is shown that other persons cannot provide the necessary information." (Opinion section II.A)

FACTUAL BACKGROUND

Plaintiffs allege that members of Kentucky's executive branch retaliated against them for criticizing the Governor's response to the COVID-19 pandemic. They sought discovery from former defendant Governor Andrew Beshear concerning alleged communications with the Department of Alcoholic Beverage Control and the Public Protection Cabinet regarding an enforcement action. They also sought a Rule 30(b)(6) deposition of the Department, although the discovery order did not expressly address that request and defendants apparently did not oppose it.

PROCEDURAL HISTORY

The district court referred supervision of an abbreviated discovery period to Magistrate Judge Edward B. Atkins. Judge Atkins entered a discovery order addressing whether former defendant Governor Andrew Beshear and a

Department of Alcoholic Beverage Control representative would participate in discovery. Plaintiffs objected to the order, and the district court overruled the objections, declined to disturb the order, and deferred to Judge Atkins to clarify the apparently uncontested Rule 30(b)(6) issue.

DISPOSITION

other

REMAND INSTRUCTIONS

The court deferred to Magistrate Judge Atkins to clarify the seemingly uncontested Rule 30(b)(6) discovery matter with the parties.

CASES CITED

- United States v. Taylor, No. 6:21-cr-00013-GFVT-HAI, 2022 U.S. Dist. LEXIS 191547, at *4 (E.D. Ky. Oct. 19, 2022)
- Massey v. City of Ferndale, 7 F.3d 506, 509 (6th Cir. 1993)
- Bisig v. Time Warner Cable, Inc., 940 F.3d 205, 219 (6th Cir. 2019)
- United States v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948)
- Oppenheimer Fund, Inc. v. Sanders, 437 U.S. 340, 351-352 (1978)
- Hickman v. Taylor, 329 U.S. 495, 501 (1947)
- Chrysler Corp. v. Fedders Corp., 643 F.2d 1229, 1240 (6th Cir. 1981)
- Murray v. U.S. Dep't of Treasury, No. CIV.A.08-CV-15147, 2010 WL 1980850, at *2 (E.D. Mich. May 18, 2010)
- Boudreau v. Bouchard, No. 07-10529, 2008 WL 4386836, at *1-*2 (E.D. Mich. Sept. 25, 2008)
- Scott v. Louisville/Jefferson Cnty. Metro Gov't, No. 3:20CV00535BJBCHL, 2023 WL 5250963, at *4 (W.D. Ky. Aug. 15, 2023)
- EMW Women's Surgical Ctr., P.S.C. v. Glisson, No. 3:17CV-00189-GNS, 2017 WL 3749889, at *2-*4 (W.D. Ky. Aug. 30, 2017)
- Morgan v. Bevin, No. 3:17-CV-00060-GFVT-EBA, 2018 U.S. Dist. LEXIS 204657, at *13-*16
- Serrano v. Cintas Corp., 699 F.3d 884, 900 (6th Cir. 2012)