

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, SOUTHERN DIVISION

Estela Elizabeth Jeffcoat v. Brookings Housing & Redevelopment
Commission

Jeffcoat · No. 4:25-CV-04166-CCT · Decided December 15, 2025

SUMMARY

The United States District Court for the District of South Dakota denies Estela Elizabeth Jeffcoat’s motion for a protective order seeking to prevent the Brookings Housing & Redevelopment Commission from contacting her employer to verify her income. The court holds that the employment verification was not discovery subject to Federal Rule of Civil Procedure 26(c), and that Jeffcoat also failed to confer with the defendant and provide the required certification before filing the motion.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Veronica L. Duffy
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	December 15, 2025
DOCKET	4:25-CV-04166-CCT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a protective order to prevent the defendant housing authority from contacting her employer for periodic employment-verification inquiries. The motion was referred to the magistrate judge for determination.
STANDARD OF REVIEW	A trial court has significant discretion to grant or deny a protective order, and reversal ordinarily requires an abuse of discretion. A magistrate judge's order may be reconsidered by the district court if it is clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

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civil procedure

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PRACTICE AREAS

civil procedure

housing assistance

disability discrimination

Fair Housing Act

Rehabilitation Act

QUESTIONS PRESENTED

1. Whether Federal Rule of Civil Procedure 26(c) authorized a protective order against the housing authority's periodic employment-verification inquiries when those inquiries were not discovery sought in the litigation.
2. Whether the motion should be denied because Jeffcoat did not confer in good faith with the defendant or provide the required certification before filing the motion.

HOLDINGS

1. Federal Rule of Civil Procedure 26(c) does not provide grounds for a protective order when the defendant has not sought discovery from the moving party and the challenged conduct consists of normal actions in an ongoing housing-assistance relationship rather than litigation discovery.
2. A motion for a protective order must be preceded by a good-faith conference with the opposing party, and the movant must certify that the conference occurred or was attempted; Jeffcoat's failure to do so independently required denial of the motion.

KEY QUOTATIONS

“A protective order under Fed. R. Civ. P. 26(c) is available to protect a party “from whom discovery is sought” from “annoyance, embarrassment, oppression, or undue burden or expense.”” (Discussion)

“Good cause appearing, it is hereby ORDERED that plaintiff’s motion for a protective order [Docket No. 17] is denied.” (Conclusion)

FACTUAL BACKGROUND

Jeffcoat was an ongoing recipient of federal housing assistance administered by Brookings Housing & Redevelopment Commission. The Commission periodically verified her income with her employer to determine her continued eligibility and the amount of her housing assistance. Jeffcoat sought to prevent those contacts through a protective order, although the Commission had not served her with discovery requests.

PROCEDURAL HISTORY

Jeffcoat filed a pro se complaint alleging that Brookings Housing & Redevelopment Commission violated the Fair Housing Act, the Rehabilitation Act, and Department of Housing and Urban Development regulations. While the action was pending, she moved for a protective order barring employment-verification contacts. The court denied the motion because the contacts were not discovery subject to Federal Rule of Civil Procedure 26(c), and because she did not confer in good faith with the defendant or submit the required certification.

DISPOSITION

other

CASES CITED

- General Dynamics Corp. v. Selb Manufacturing Co., 481 F.2d 1204, 1212 (8th Cir. 1973)
- Pansy v. Borough of Stroudsburg, 23 F.3d 772, 786 (3d Cir. 1994)
- United States v. Becerra, 73 F.4th 966, 972-73 (8th Cir. 2023)
- Thompson v. Nix, 897 F.2d 356, 357-58 (8th Cir. 1990)

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