

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 February 25, 2026

SUMMARY

The United States District Court for the District of South Dakota overruled Estela Elizabeth Jeffcoat’s objection to a magistrate judge’s denial of her motion for a protective order. The court held that Federal Rule of Civil Procedure 26(c) did not provide relief because the requested order was unrelated to discovery, and further noted that Jeffcoat had not shown she conferred with the defendant as required. The court adopted the magistrate judge’s order in full.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Camela C. Theeler
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	February 25, 2026
DOCKET	4:25-CV-04166-CCT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected under Federal Rule of Civil Procedure 72(a) to a magistrate judge's nondispositive pretrial order denying her motion for a protective order.
STANDARD OF REVIEW	A district court may reconsider a magistrate judge's ruling on a nondispositive pretrial matter only if the ruling is clearly erroneous or contrary to law. A finding is clearly erroneous when, after reviewing the entire evidence, the court is left with the definite and firm conviction that a mistake has been made. A decision is contrary to law when it fails to apply or misapplies relevant statutes, case law, or procedural rules.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Estela Elizabeth Jeffcoat v. Brookings Housing & Redevelopment Commission

TOPICS

discovery dispute

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

civil procedure

civil rights

fair housing

disability discrimination

QUESTIONS PRESENTED

1. Whether the magistrate judge's denial of Jeffcoat's motion for a protective order was clearly erroneous or contrary to law.
2. Whether Rule 26(c) authorizes a protective order concerning alleged third-party contacts that are not related to discovery sought in the litigation.
3. Whether the motion was properly denied for failure to satisfy Rule 26(c)'s meet-and-confer requirement.

HOLDINGS

1. The magistrate judge's denial of the motion for a protective order was neither clearly erroneous nor contrary to law.
2. Rule 26(c) does not provide a protective-order remedy for alleged conduct that is unrelated to discovery sought in the case.
3. A party seeking a discovery-related protective order must first confer in good faith with the opposing party to attempt to resolve the dispute, and failure to do so independently supports denial of the motion.

KEY QUOTATIONS

“Rule 26(c) applies to protect “a party ‘from whom discovery is sought’ from ‘annoyance, embarrassment, oppression, or undue burden or expense.’” (Docket 40 at 3–4)

“This requirement that a party must confer with the opposing counsel before filing a discovery motion is a requirement that applies to all discovery motions.” (Docket 40)

FACTUAL BACKGROUND

Jeffcoat alleged that the Brookings Housing & Redevelopment Commission improperly contacted, or intended to contact, her employer and other third-party witnesses concerning her employment, income, and medical limitations. She sought a protective order under Federal Rule of Civil Procedure 26(c), although the defendant had not served her with discovery requests. The record also did not show that she had first conferred in good faith with the defendant to resolve the alleged discovery issue.

PROCEDURAL HISTORY

Jeffcoat filed a pro se action alleging violations of the Fair Housing Act, the Rehabilitation Act, and federal housing-program requirements. She moved for a protective order to prevent the defendant from contacting her employer and other third-party witnesses. The matter was referred to Magistrate Judge Veronica Duffy, who denied the motion, concluding that it was unrelated to discovery and that Jeffcoat had not shown that she had satisfied Rule 26(c)'s meet-and-confer requirement. The district court overruled Jeffcoat's objection and adopted the magistrate judge's order in full.

DISPOSITION

other

CASES CITED

- Ferguson v. United States, 484 F.3d 1068, 1076 (8th Cir. 2007)
- Gateway, Inc. v. Companion Prods., Inc., 384 F.3d 503, 507–08 (8th Cir. 2004)
- United States v. Red Bird, 3:20-30026-RAL, 2020 WL 6129634, at *4 (D.S.D. Oct. 19, 2020)

OPINION

Jeffcoat

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

ESTELA ELIZABETH JEFFCOAT, 4:25-CV-04166-CCT

Plaintiff,

ORDER OVERRULING PLAINTIFF'S

vs. OBJECTION TO MAGISTRATE

JUDGE DUFFY'S ORDER

BROOKINGS HOUSING &

REDEVELOPMENT COMMISSION,

Defendant. On August 26, 2025, Plaintiff Estela Elizabeth Jeffcoat commenced this pro se lawsuit against Defendant Brookings Housing & Redevelopment Commission (BHRC), alleging violations of the Fair Housing Act, the Rehabilitation Act, and general Housing and Urban Development program requirements. Docket 1. Ms. Jeffcoat filed a motion for a protective order, seeking to prohibit “BHRC, its counsel, and its representatives from making informal or duplicative contacts with [her] employer or other third-party witnesses concerning [her] employment, income, or medical limitations.” Docket 17 at 1. The Court referred Ms. Jeffcoat's motion to Magistrate Judge Veronica Duffy for determination. Docket 26. Magistrate Judge Duffy issued an order denying Ms. Jeffcoat's motion. Docket 40. Ms. Jeffcoat timely appealed by way of filing an objection. Dockets 43 and 44. “A district court may reconsider a magistrate judge's ruling

on nondispositive pretrial matters where it has been shown that the ruling is clearly erroneous or contrary to law.” *Ferguson v. United States*, 484 F.3d 1068, 1076 (8th Cir. 2007) (citing 28 U.S.C. § 636(b)(1)(A)); see also Fed. R. Civ. P. 72(a). “A finding is clearly erroneous when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *Gateway, Inc. v. Companion Prods., Inc.*, 384 F.3d 503, 507–08 (8th Cir. 2004) (citation omitted). “A decision is ‘contrary to law’ when it fails to apply (or misapplies) relevant statutes, case law, or rules of procedure.” *United States v. Red Bird*, 3:20- 30026-RAL, 2020 WL 6129634, at *4 (D.S.D. Oct. 19, 2020) (citation omitted). Magistrate Judge Duffy determined that Ms. Jeffcoat’s requested protective order is not related to discovery, noting that BHRC has not served her with any discovery requests. Docket 40 at 3. Yet, Rule 26(c) applies to protect “a party ‘from whom discovery is sought’ from ‘annoyance, embarrassment, oppression, or undue burden or expense.’” *Id.* at 3–4 (quoting Fed. R. Civ. P. 26(c)(1)). Because Ms. Jeffcoat’s motion did not pertain to discovery, a protective order under Rule 26(c) is not available to her, and Magistrate Judge Duffy denied her motion. *Id.* at 4, 5. Magistrate Judge Duffy further concluded, to the extent that a protective order is available, that Ms. Jeffcoat’s motion must also be denied because she did not state in her pleadings or otherwise attest that she fulfilled her obligation under Rule 26(c) to first confer with BHRC in good faith to try to resolve the discovery issue before filing a motion with this Court. *Id.* at 4–5. In her objection, Ms. Jeffcoat has not shown that Magistrate Judge Duffy’s ruling on her motion for a protective order is clearly erroneous or contrary to law. See Docket 43. Rather, she asserts, similar to her argument made in her motion for a protective order, that certain federal regulations prohibit BHRC from contacting her employer in the manner in which she alleges. Docket 17; Docket 43 at 1–2. But, as Magistrate Judge Duffy found and the record supports, Ms. Jeffcoat’s requested protective order is not related to discovery requests made in this case. Therefore, relief under Rule 26(c) is unavailable as requested by Ms. Jeffcoat. Moreover, Ms. Jeffcoat does not address Magistrate Judge Duffy’s determination that, to the extent the motion for a protective order relates to discovery, she did not fulfill her obligation under Rule 26(c) to meet and confer with BHRC prior to filing the motion. See Docket 43. As Magistrate Judge Duffy noted, “[t]his requirement that a party must confer with the opposing counsel before filing a discovery motion is a requirement that applies to all discovery motions.” Docket 40 (citing Fed. R. Civ. P. 37(a)(1); D.S.D. Civ. LR 37.1). Accordingly, it is hereby ORDERED that Plaintiff’s objection, Dockets 43 and 44, to Magistrate Judge Duffy’s Order Denying Plaintiff’s Motion for a Protective Order is overruled. It is further ORDERED that the Court adopts in full Magistrate Judge Duffy’s Order Denying Plaintiff’s Motion for a Protective Order, Docket 40. Dated February 25, 2026. BY THE COURT: /s/ Camela C. Theeler
CAMELA C. THEELER
UNITED STATES DISTRICT JUDGE

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