

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Peter Pethtel v. Veterans Roofing PLLC

Pethtel · No. 3:25-cv-01648 · Decided May 6, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied the defendant's renewed motion to compel testimony concerning deposition preparation and the presence of the plaintiff's spouse during attorney-client communications. The court also denied the plaintiff's renewed motion for leave to file a second amended complaint, treating it as a request for reconsideration and finding no basis for extraordinary relief or explanation for the newly offered evidence. The underlying action concerns alleged age discrimination under the Age Discrimination in Employment Act.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Stephen P. McGlynn
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 6, 2026
DOCKET	3:25-cv-01648
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Defendant's renewed motion to compel deposition testimony concerning communications made during deposition preparation in the presence of Plaintiff's wife and Plaintiff's renewed motion for leave to file a second amended complaint. The court denied both motions.
STANDARD OF REVIEW	Discovery was evaluated under Federal Rules of Civil Procedure 26(b) (1) and 37, including relevance, proportionality, and compliance with meet-and-confer requirements. Leave to amend was evaluated under Rule 15(a)(2), and the renewed amendment request was also treated as seeking relief under Rules 59(e) and 60(b), subject to their extraordinary-relief standards.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court with no published reporter citation or stated precedential designation.

PARTIES

Peter Pethtel v. Veterans Roofing PLLC

TOPICS

discovery dispute

attorney client privilege

motion to amend

motion for reconsideration

age discrimination

PRACTICE AREAS

civil procedure

employment law

civil rights

evidence

QUESTIONS PRESENTED

1. Whether Defendant could compel Pethtel to disclose the substance of his deposition-preparation communications with his attorneys while his wife was present.
2. Whether Pethtel was entitled to renewed leave to file a second amended complaint based on evidence that he had not presented in his prior motion.
3. Whether the renewed motion to amend satisfied the standards for relief under Rules 59(e) or 60(b), or alternatively warranted leave under Rule 15(a)(2).

HOLDINGS

1. The motion to compel was denied. Pethtel did not establish that his wife was acting as a client agent whose presence was necessary to facilitate the attorney-client relationship, and compelling disclosure of the entirety of his deposition-preparation discussions would be unnecessary and overly burdensome.
2. The renewed motion for leave to file a second amended complaint was denied because Pethtel supplied no adequate explanation for failing to present the email evidence in his original motion and showed no basis for extraordinary relief under Rule 59(e) or Rule 60(b).

KEY QUOTATIONS

“The instant fact pattern most resembles Evans, in which the Defendant’s family friend (who happened to be a lawyer) was present during a meeting with his attorney;”

“This does not convert Plaintiff’s spouse into a “client agent.””

“This Court agrees that compelling Plaintiff to provide the details of the sum total of his deposition preparations is not only unnecessary, but overly burdensome here.”

“Considering Plaintiff’s Motion as brought under either Rule 59(e) or Rule 60(b), he has provided zero argument on why such extraordinary relief is justified here.”

FACTUAL BACKGROUND

Peter Pethtel, a fifty-four-year-old general laborer and on-site support worker, alleges that Veterans Roofing terminated him on July 18, 2025 because of his age. During preparation for his deposition, Pethtel's wife was

present while he communicated with his attorneys, and Defendant sought to compel him to answer what he discussed with counsel. Pethtel also sought to add claims based on his asserted August 7, 2025 transmission of an EEOC determination to the Illinois Department of Human Rights, but he had not provided that evidence in his earlier motion to amend.

PROCEDURAL HISTORY

Pethtel filed an action alleging age discrimination, harassment, and retaliation under the Age Discrimination in Employment Act. After the court granted leave to file a first amended complaint and denied Defendant's initial motion to dismiss as moot, the parties litigated an initial motion to compel and motion for leave to amend, both of which were denied. Defendant and Plaintiff then filed renewed versions of those motions, which the court denied in this Memorandum and Order.

DISPOSITION

other

CASES CITED

- *Motorola Sols., Inc. v. Hytera Commc'ns Corp.*, 365 F. Supp. 3d 916, 924 (N.D. Ill. 2019)
- *Bausch v. Stryker Corp.*, 630 F.3d 546, 562 (7th Cir. 2010)
- *Airborne Beepers & Video, Inc. v. AT & T Mobility LLC*, 499 F.3d 663, 666 (7th Cir. 2007)
- *McDaniel v. Loyola Univ. Med. Ctr.*, 317 F.R.D. 72, 76-77 (N.D. Ill. 2016)
- *Soltys v. Costello*, 520 F.3d 737, 743 (7th Cir. 2008)
- *Dubicz v. Commonwealth Edison Co.*, 377 F.3d 787, 792 (7th Cir. 2004)
- *Doherty v. Davy Songer, Inc.*, 195 F.3d 919, 927 (7th Cir. 1999)
- *King v. Cooke*, 26 F.3d 720, 723-724 (7th Cir. 1994)
- *J.P. Morgan Chase Bank, N.A. v. Drywall Serv. & Supply Co.*, 265 F.R.D. 341, 347 (N.D. Ind. 2010)
- *Sanders, et al. v. Venture Stores, Inc.*, 56 F.3d 771, 775 (7th Cir. 1995)
- *United States v. White*, 970 F.2d 328 (7th Cir. 1992)
- *Jenkins v. Bartlett*, 487 F.3d 482, 490 (7th Cir. 2007)
- *Kodish v. Oakbrook Terrace Fire Prot. Dist.*, 235 F.R.D. 447, 450 (N.D. Ill. 2006)
- *United States v. BDO Seidman, LLP*, 492 F.3d 806, 815-816 (7th Cir. 2007)
- *Gingerich v. City of Elkhart Prob. Dep't*, 273 F.R.D. 532 (N.D. Ind. 2011)
- *United States v. Evans*, 113 F.3d 1457, 1458-1463, 1468 (7th Cir. 1997)
- *Kap Holdings, LLC v. Mar-Cone Appliance Parts Co.*, 55 F.4th 517, 528 (7th Cir. 2022)
- *Robinson v. Waterman*, 1 F.4th 480, 483 (7th Cir. 2021)
- *Cincinnati Life Ins. Co. v. Beyrer*, 722 F.3d 939, 954 (7th Cir. 2013)
- *Ewing v. 1645 W. Farragut LLC*, 90 F.4th 876, 893 (7th Cir. 2024)
- *Obrieht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008)
- *Mares v. Busby*, 34 F.3d 533, 535 (7th Cir. 1994)

- *Dickerson v. Board of Educ.*, 32 F.3d 1114 (7th Cir. 1994)
- *Gonzalez-Koeneke v. West*, 791 F.3d 801, 807 (7th Cir. 2015)
- *Foster v. DeLuca*, 545 F.3d 582, 584 (7th Cir. 2008)
- *Bell v. Eastman Kodak Co.*, 214 F.3d 798, 801 (7th Cir. 2000)
- *Helm v. Resol. Tr. Corp.*, 43 F.3d 1163, 1166 (7th Cir. 1995)
- *Ball v. City of Chicago*, 2 F.3d 752, 760 (7th Cir. 1993)
- *Osterneck v. Ernst & Whinney*, 489 U.S. 169, 174 (1989)
- *Daniels v. Hughes*, 147 F.4th 777, 786 (7th Cir. 2025)
- *BLOM Bank SAL v. Honickman*, 605 U.S. 204, 214 (2025)

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