

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Harold Thomas Rogers, et al. v. West Virginia University Board of
Governors, et al.

Rogers v. West Virginia University Board of Governors · No. 2:25-cv-00182 · Decided December 8, 2025

SUMMARY

The court partially grants and partially denies West Virginia University Board of Governors’ motion for a protective order concerning Plaintiffs’ Rule 30(b)(6) deposition topics. The order requires the parties to confer regarding Topics 2 and 3, limits Topics 14 and 15 to technologies used in the online Master of Social Work program between August 2022 and August 2025, and permits Topic 24 concerning undue-burden and fundamental-alteration evaluations.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Dwane L. Tinsley
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	December 8, 2025
DOCKET	2:25-cv-00182
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs served a Federal Rule of Civil Procedure 30(b)(6) deposition notice identifying twenty-seven examination topics. Defendant moved for a protective order quashing or limiting topics 2, 3, 14, 15, and 24.
STANDARD OF REVIEW	The decision whether to enter a protective order is committed to the sound discretion of the trial court. The resisting party bears the burden of showing specifically why discovery should not proceed and the party seeking a protective order bears the burden of establishing good cause.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- civil procedure
- ada / disability
- reasonable accommodation

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

discovery

QUESTIONS PRESENTED

1. Whether Defendant established good cause for a protective order barring or limiting Rule 30(b)(6) deposition topics concerning communications between the student plaintiffs and WVU about accessibility issues.
2. Whether Rule 30(b)(6) topics concerning accessibility testing and changes to WVU's student-used educational technologies were sufficiently particular and proportional to the needs of the case.
3. Whether Plaintiffs could use a Rule 30(b)(6) deposition to obtain factual information concerning WVU's evaluation of policy modifications, fundamental alteration, and undue financial or administrative burden.

HOLDINGS

1. Defendant did not establish undue burden sufficient to eliminate topics 2 and 3, but the topics as written lacked reasonable specificity under Rule 30(b)(6). The parties were therefore required to confer in good faith and revise or narrow the topics to identify the accessibility issues with painstaking specificity.
2. Topics 14 and 15 were relevant but overbroad and disproportionate as written. They were limited to WVU's student-used educational technologies utilized in the online Master of Social Work program between August 2022 and August 2025.
3. Defendant's objection to topic 24 was overruled. Plaintiffs could inquire through a Rule 30(b)(6) deposition into factual information concerning WVU's evaluations of policy modifications and its fundamental-alteration or undue-burden defenses.

KEY QUOTATIONS

"Simply because information is discoverable under Rule 26 . . . does not mean that discovery must be had."
(§ II.A)

"Simply put, Defendant's vague, general assertions of undue burden fall far short of its burden in resisting discovery." (§ III.A)

"Simply put, the undersigned FINDS that this area of inquiry seeks the discovery of facts and the source of information about the Defendant's defenses which are clearly relevant and discoverable within the meaning of Rule 26(b)." (§ III.C)

FACTUAL BACKGROUND

Harold Rogers and Miranda Lacy are visually impaired graduate students enrolled in West Virginia University's online Master of Social Work program and use screen readers, screen magnification software, and other assistive technology. They allege that WVU provided inaccessible textbooks, electronic documents, course materials, and online platforms, and failed to provide adequate accommodations and accessible field placements. The plaintiffs also include the National Federation of the Blind and the National Federation of the Blind of West Virginia, which advocate for blind individuals and include Rogers and Lacy as members.

PROCEDURAL HISTORY

Plaintiffs brought claims under Title II of the Americans with Disabilities Act and § 504 of the Rehabilitation Act concerning alleged inaccessibility of West Virginia University's online Master of Social Work program and related services. During discovery, Plaintiffs served a Rule 30(b)(6) notice, and Defendant moved for a protective order. The magistrate judge granted the motion in part and denied it in part, requiring limitations on topics 2, 3, 14, and 15 while permitting topic 24.

DISPOSITION

other

REMAND INSTRUCTIONS

The parties were ordered to meet and confer in good faith concerning topics 2 and 3 and to file a joint status report by 4:00 p.m. EST on December 29, 2025. Topics 14 and 15 were limited to student-used educational technologies used in the online Master of Social Work program between August 2022 and August 2025. Topic 24 remained available for deposition.

CASES CITED

- Scott Hutchison Enters., Inc., 3:15-cv-13415, 2016 WL 5219633, at *2 (S.D. W. Va. Sept. 20, 2016)
- Nicholas v. Wyndham Int'l, Inc., 373 F.3d 537, 543 (4th Cir. 2004)
- Seattle Times Co. v. Rhinehart, 467 U.S. 20, 36 (1984)
- Fonner v. Fairfax Cty., 415 F.3d 325, 331 (4th Cir. 2005)
- Slampak v. Nationwide Ins. Co. of Am., 5:18-CV-154, 2019 WL 4418806, at *7 (N.D. W. Va. Sept. 16, 2019)
- Citynet, LLC v. Frontier W. Va., Inc., 2:14-cv-15947, 2022 WL 2335332, at *4 (S.D. W. Va. June 28, 2022)
- United Property & Casualty Ins. v. Couture, 2:19-cv-01856, 2021 WL 5141292, at *2 (D.S.C. Nov. 4, 2021)
- Minter v. Wells Fargo Bank, N.A., 258 F.R.D. 118, 124-125 (D. Md. 2009)
- Paulone v. City of Frederick, 787 F. Supp. 2d 360, 372 (D. Md. 2011)
- Victor Stanley, Inc. v. Creative Pipe, Inc., 269 F.R.D. 497, 523 (D. Md. 2010)
- Procter & Gamble Co. v. Haugen, 427 F.3d 727, 739 n.8 (10th Cir. 2005)
- Leonetti v. SWN Prod. Co. & Equinor USA Onshore Props., Inc., 5:22-cv-35, 2023 WL 8654407, at *8 (N.D. W. Va. Apr. 26, 2023)
- Pauley v. CNE Poured Walls, Inc., 3:18-cv-015108, 2019 WL 3226996, at *1 (S.D. W. Va. July 17, 2019)
- Capacchione v. Charlotte-Mecklenburg Board of Education, 182 F.R.D. 486, 489 (W.D.N.C. 1998)
- Cornell Research Found., Inc. v. Hewlett Packard Co., 223 F.R.D. 55, 66 (N.D.N.Y. 2003)
- Taggert, 2007 WL 152101, at *8
- In re Convergent Technologies Sec. Litig., 108 F.R.D. 328, 338 (N.D. Cal. 1985)
- BB & T Corp. v. United States, 233 F.R.D. 447, 450-51 (M.D.N.C. 2006)
- United Situations v. Duke Energy Corp., 208 F.R.D. 553, 558 (M.D.N.C. 2002)

- Muslow v. Bd. of Supervisors of La. State Univ. & Agric. & Mech. Coll., 19-cv-11793, 2021 WL 12324129, at *4 (E.D. La. Oct. 8, 2021)

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