

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Adams et al. v. DMG Park, LLC, et al.

Adams · No. Civil Action No. 21-17442 (MCA) (LDW) · Decided January 29, 2026

SUMMARY

The United States District Court for the District of New Jersey sanctions plaintiff Gerald Adams for failing to comply with orders concerning his deposition and the submission of discovery disputes by joint letter. The court stays the action under Federal Rule of Civil Procedure 37 until Adams submits to an in-person deposition in New Jersey or provides competent evidence supporting a protective order. The stay does not prevent the Developer Defendants from pursuing their subpoena to Adams's former employer, Adidas America, Inc.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Leda Dunn Wettre
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 29, 2026
DOCKET	Civil Action No. 21-17442 (MCA) (LDW)
DISPOSITION	other
PROCEDURAL POSTURE	The magistrate judge considered plaintiff Gerald Adams’ response to an order to show cause why he should not be sanctioned for violating discovery-related court orders.
STANDARD OF REVIEW	Whether and what discovery sanction to impose is generally entrusted to the district court’s discretion, provided that the sanction is just and specifically related to the claim or matter at issue in the discovery order.
PRECEDENTIAL VALUE	unpublished

TOPICS

- sanctions
- discovery dispute
- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- discovery sanctions
- discovery disputes

QUESTIONS PRESENTED

1. Whether Adams' failure to comply with orders concerning his deposition justified a sanction under Federal Rule of Civil Procedure 37.
2. Whether Adams and his counsel's repeated submission of unilateral discovery-dispute letters justified sanctions or disregard of those submissions.
3. Whether the Developer Defendants should be permitted to pursue responses to their subpoena served on Adams' former employer while the remainder of the action was stayed.

HOLDINGS

1. Adams' failure to provide the information ordered by the Court regarding his medical condition and ability to participate in a deposition justified staying the action as a discovery sanction until he submits to an in-person deposition in New Jersey or provides competent evidence supporting a protective order with appropriate deposition conditions.
2. The Court declined to impose monetary sanctions at that time but disregarded Adams' unilateral discovery-dispute submissions because they violated clear court orders requiring joint letters and compliance with Local Civil Rule 37.1.
3. The stay did not prevent the Developer Defendants from pursuing responses to their subpoena served on Adidas; any motion to quash had to be filed by February 13, 2026, and Adidas' response was due February 23, 2026, subject to an intervening motion to quash.

KEY QUOTATIONS

"While sanctions are always a tool of last resort for the Court, they become necessary when the Court's lesser tools of ensuring compliance with Rules and Orders—reminders, warnings and "last chances"—have been exhausted without any improvement in a litigant's conduct." (Discussion)

"The Court will accordingly stay this action as a Rule 37 sanction until Adams gives his deposition in New Jersey, as ordered, or seeks with supporting evidence a Protective Order setting appropriate conditions for deposition." (Discussion I)

"For the reasons set forth above, this action will be stayed, with the exception of the Adidas subpoena, until plaintiff Adams complies with the Court's Orders requiring him to either sit for an in-person deposition in New Jersey, or submit competent proofs as to why he cannot do so and under what conditions he can be deposed." (Conclusion)

FACTUAL BACKGROUND

Adams did not appear for an in-person deposition noticed in New Jersey and failed to provide the medical information the Court ordered to determine whether a protective order or alternative deposition conditions were warranted. He supplied only physician excuse slips restricting air travel, without addressing whether he could travel by other means, be deposed in Texas, or sit for an in-person deposition without travel. Adams' counsel also repeatedly violated orders requiring discovery disputes to be submitted by joint letter after a meet and

confer, including submissions characterized as joint that defendants claimed they had not drafted or seen. The Court found that this conduct impeded discovery and followed repeated warnings and directives.

PROCEDURAL HISTORY

During fact discovery, Adams failed to appear for an in-person deposition or provide the medical information ordered by the Court to support a protective-order request. Adams and his counsel also repeatedly submitted unilateral discovery-dispute letters despite a court order requiring joint letters and compliance with Local Civil Rule 37.1. After reviewing Adams' response to the show-cause order, the Court imposed a Rule 37 sanction staying the action until Adams complies with the deposition-related orders, except that the Developer Defendants may pursue their subpoena to Adams' former employer, Adidas.

DISPOSITION

other

CASES CITED

- *Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 208 (1999)
- *Clientron Corp. v. Devon IT, Inc.*, 894 F.3d 568, 580 (3d Cir. 2018)
- *Dover v. Diguglielmo*, 181 F. App'x 234, 237 (3d Cir. 2006)
- *Naik v. Bos. Consulting Grp.*, 14-CV-3097 (LDW), 2017 WL 424902, at *6 (D.N.J. Jan. 12)
- *Reilly v. Home Depot U.S.A., Inc.*, 670 F. Supp. 3d 126, 140 (D.N.J. 2023)
- *Wachtel v. Health Net, Inc.*, 239 F.R.D. 81, 100 (D.N.J. 2006)
- *Republic of Philippines v. Westinghouse Elec. Corp.*, 43 F.3d 65, 74 (3d Cir. 1994)
- *Nikolaeva v. Sparta Twp. Bd. Of Educ.*, 21-CV-19977 (JSA), 2025 WL 3093833, at *4 (D.N.J. Sept. 30)
- *Song v. Zhang*, 21-CV-17918 (RLS), 2025 WL 566193, at *3 (D.N.J. Feb. 20)
- *S. Seas Catamaran, Inc. v. Motor Vessel Leeway*, 120 F.R.D. 17, 21 (D.N.J. 1988)
- *Diaz v. Demane*, 05-CV-2280 (CCC), 2008 WL 11383767, at *2 (D.N.J. Feb. 28, 2008)
- *Lee v. Sunrise Senior Living, Inc.*, 09-CV-5720 (AET), 2011 WL 13366288, at *3 (D.N.J. June 15, 2011)