

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Janet Lamar v. Wal-Mart Stores East LP and John Does 1-5

No. 5:24-cv-00276-CAR (M.D. Ga. Feb. 3, 2026) · No. No. 5:24-cv-00276-CAR · Decided February 3, 2026

SUMMARY

The court denied Plaintiff Janet Lamar’s motion to compel in a premises-liability action against Wal-Mart Stores East LP. The court refused to authorize a second deposition of one witness, compel the deposition of another witness, or extend the deadline for responding to the defendant’s summary judgment motion. The court concluded that the defendant timely disclosed the witness information and that the requested additional discovery was disproportionate or unnecessary.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	C. Ashley Royal
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	February 3, 2026
DOCKET	No. 5:24-cv-00276-CAR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel discovery, seeking leave to re-depose one witness, an order requiring Defendant to produce another witness for deposition, and an extension of time to respond to Defendant's pending motion for summary judgment. The district court denied the motion.
STANDARD OF REVIEW	The court applied the discretionary standards governing leave for a second deposition under Federal Rule of Civil Procedure 30(a)(2)(A) (ii), including the relevance, proportionality, burden, and cumulative-discovery limits of Rule 26.
PRECEDENTIAL VALUE	unpublished district-court order; precedential status unknown
PARTIES	Janet Lamar v. Wal-Mart Stores East LP, John Does 1-5

TOPICS

discovery dispute

sanctions

summary judgment

civil procedure

premises liability

PRACTICE AREAS

civil procedure

discovery

premises liability

QUESTIONS PRESENTED

1. Whether Lamar should receive leave under Federal Rule of Civil Procedure 30(a)(2)(A)(ii) to re-depose Wimberly concerning changes to Wimberly's prior deposition testimony.
2. Whether Walmart timely supplemented its disclosures and interrogatory responses concerning Johnson, and whether Lamar should be permitted to depose Johnson after the discovery deadline.
3. Whether Lamar was entitled to an extension of time to respond to Walmart's motion for summary judgment.

HOLDINGS

1. Leave to take a second deposition is discretionary and may be denied when the proposed deposition is disproportionate to the needs of the case or unduly burdensome under Rules 26(b)(1) and 26(b)(2)(C). Lamar's request to re-depose Wimberly was denied.
2. Walmart timely supplemented its disclosures and interrogatory responses by identifying Johnson as a potential witness and providing her last known address and telephone number during the discovery period. Lamar was not entitled to depose Johnson after the discovery deadline because she received timely notice but chose not to depose Johnson.
3. The request for an extension of time to respond to Walmart's summary-judgment motion was denied as moot after the court denied the requested depositions.

KEY QUOTATIONS

"Accordingly, the requested deposition must be proportional to the needs of the case to be permissible."
(Discussion § I)

"But despite receiving timely notice, Plaintiff decided not to depose Ms. Johnson and must now live with the consequences of that decision." (Discussion § II)

"For the reasons explained above, the Court DENIES Plaintiff's Motion to Compel [Doc. 42]." (Conclusion)

FACTUAL BACKGROUND

On August 5, 2022, Janet Lamar slipped and fell on a substance on the floor at Walmart's store in Macon, Georgia. Walmart identified Shanterica Johnson and Latealhia Wimberly as individuals shown in the store video of the incident and later provided Johnson's last known contact information during the discovery period. Lamar deposed Wimberly, and Wimberly later submitted an errata sheet and supplemental declaration. After discovery closed and Walmart filed its summary-judgment motion relying in part on those materials and on Johnson's declaration, Lamar sought additional depositions.

PROCEDURAL HISTORY

Lamar filed a premises-liability complaint in Bibb County State Court after slipping and falling at Walmart's Macon store. Walmart removed the action to federal court on August 14, 2024. After the discovery deadline expired, Walmart moved for summary judgment, and Lamar moved to compel additional depositions and extend her response deadline. The district court denied the motion to compel and denied the requested extension as moot.

DISPOSITION

other

CASES CITED

- Mokris v. United States, No. 2:20-CV-34-JES-MRM, 2021 WL 8822316, at *2 (M.D. Fla. July 15, 2021)
- Isaac v. RMB Inc., 604 F. App'x 818, 821 (11th Cir. 2015)
- Furcron v. Mail Centers Plus, LLC, 843 F.3d 1295, 1306 (11th Cir. 2016)
- Van T. Junkins & Assoc., Inc. v. U.S. Indust., Inc., 736 F.2d 656, 657 (11th Cir. 1984)
- Great Lakes Ins. SE v. Wave Cruiser LLC, 36 F.4th 1346, 1357 n.7 (11th Cir. 2022)
- Thorn v. Sundstrand Aerospace Corp., 207 F.3d 383, 389 (7th Cir. 2000)