

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Donna Durden, individually and as Administrator of the Estate of
Darryle F. Durden, Deceased v. United States of America

Durden · No. 24-CV-02076-SPM · Decided March 24, 2026

SUMMARY

The United States District Court for the Southern District of Illinois granted the Government’s motion for a protective order and quashed Plaintiff’s untimely Federal Rule of Civil Procedure 30(b)(6) deposition notice. The court held that the notice was filed after the applicable deposition deadline and was overbroad and disproportionate because it sought testimony concerning all aspects of the decedent’s care during a two-week period.

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	March 24, 2026
DOCKET	24-CV-02076-SPM
DISPOSITION	other
PROCEDURAL POSTURE	The United States moved under Federal Rules of Civil Procedure 26(b)(1) and 30(b)(6) for a protective order quashing Plaintiff's untimely and overbroad notice of deposition. The court granted the motion and quashed the notice.
STANDARD OF REVIEW	The district court has extremely broad discretion to control discovery, including limiting the scope of discovery and requiring a specific sequence of discovery.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court memorandum and order
PARTIES	Donna Durden, individually and as Administrator of the Estate of Darryle F. Durden, Deceased v. United States of America

TOPICS

discovery dispute

civil procedure

medical malpractice

standard of care

PRACTICE AREAS

civil procedure

medical malpractice

health law

QUESTIONS PRESENTED

1. Whether the court should quash Plaintiff's Rule 30(b)(6) deposition notice because it was served after the court-ordered deposition deadline without good cause.
2. Whether the requested deposition was overbroad and disproportionate to the needs of the case under Federal Rule of Civil Procedure 26(b)(1).

HOLDINGS

1. A party may not proceed with a deposition after the court-ordered discovery deadline merely because the general discovery period remains open; absent an extension or good cause, the court may quash the untimely notice.
2. A Rule 30(b)(6) deposition seeking testimony about the entirety of a decedent's medical care over a two-week period is overbroad and not proportional to the needs of the case, particularly when expert discovery is already underway and the notice does not identify a discrete factual issue.

KEY QUOTATIONS

"Discovery is not a free-for-all where any scheduled event can take place at any time prior to the deadline."

"To require such a restructuring of the discovery process after fifteen months of discovery would be prejudicial, inefficient, and counterproductive."

FACTUAL BACKGROUND

The underlying action concerns the death of Darryle F. Durden after treatment at VA medical facilities in Missouri. Plaintiff alleges that Durden developed deep vein thrombosis, that a resulting embolus caused cardiac arrest and death, and that the VA failed to diagnose and treat the condition in accordance with the applicable standard of care. Plaintiff sought a Rule 30(b)(6) deposition concerning every aspect of Durden's examinations, conditions, care, treatment, tests, diagnoses, and cause of death during approximately a two-week period.

PROCEDURAL HISTORY

Plaintiff filed the action on August 29, 2024, and the United States answered on November 18, 2024. The court entered a scheduling order, later extended the discovery deadline to May 22, 2026 and modified expert-disclosure deadlines, but Plaintiff did not obtain an extension of the deadline for deposing the Defendant. Plaintiff served a Rule 30(b)(6) deposition notice on February 2, 2026, and the United States moved to quash it on February 16, 2026. After Plaintiff responded, the court granted the Government's motion.

DISPOSITION

other

CASES CITED

- Motorola Sols., Inc. v. Hytera Commc'ns Corp., 365 F. Supp. 3d 916, 924 (N.D. Ill. 2019)
- Life Plans, Inc. v. Sec. Life of Denver Ins. Co., 800 F.3d 343 (7th Cir. 2015)
- Jones v. City of Elkhart, 737 F.3d 1107, 1115 (7th Cir. 2013)
- Cloverleaf Golf Course, Inc. v. FMC Corp., No. 11-CV-190-DRH, 2011 WL 2838178, at *2 (S.D. Ill. July 15, 2011)
- Steward v. Honeywell Int'l, Inc., No. 3:18-CV-1124-SMY-MAB, 2019 WL 4954811 (S.D. Ill. July 9, 2019)
- Ruiz-Bueno v. Scott, No. 2:12-CV-0809, 2014 WL 576400, at *4 (S.D. Ohio Feb. 12, 2014)
- Finwall v. City of Chicago, 239 F.R.D. 494, 501 (N.D. Ill.), objections overruled, 239 F.R.D. 504 (N.D. Ill. 2006)

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