UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT

CIVIL ACTION NO. 3:26-CV-00035-CHB-EBA

SAMANTHA WIGGINTON, *et al.*, PLAINTIFF,

V. **ORDER**

COMMONWEALTH OF KENTUCKY, *et al.*, DEFENDANTS.

*** *** *** ***

This matter is before the Court on the motion of Defendant, Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky, seeking a protective order under Federal Rule of Civil Procedure 26(c) prohibiting the Plaintiffs from taking his deposition. [R. 75]. In response, the Plaintiffs filed a motion to strike the Defendant's motion for a protective order for failure to follow the Court's mandatory procedure governing the procedure for resolving discovery disputes. [R. 78]. Specifically, the Plaintiffs explain that a prerequisite to filing a discovery related motion is to request a telephonic conference with the United States Magistrate Judge assigned to the case. [*See* R. 51 at pg. 3]. Here, the Defendant failed to request a telephonic conference with the undersigned prior to filing the underlying motion for a protective order.

Upon reviewing the Defendant's motion for a protective order, the undersigned believes that the parties' briefings will be more beneficial to understand the underlying dispute rather than conducting a telephonic conference. Thus, the undersigned will deny the Plaintiffs' motion to strike, [R. 78], and will outline a briefing schedule for the pending motion for a protective order. Accordingly,

IT IS ORDERED that Plaintiffs' motion to strike, [R. 78], is **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs are **DIRECTED** to file any response to the

Defendant's Motion for a Protective Order, [R. 75], by no later than **Wednesday, August 26, 2026**. Any reply in support of the Motion for a Protective Order, [R. 75], shall be filed by the Defendant no later than **Wednesday, September 2, 2026.**

Signed August 19, 2026.

Signed By:
Edward B. Atkins EBA
United States Magistrate Judge