

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

COLLETTE JACQUES-SCOTT,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 10-422-LPS
v.	:	
	:	
SEARS HOLDING CORPORATION,	:	
a Delaware Corporation and,	:	
SEARS, ROEBUCK AND CO.,	:	
a foreign corporation,	:	
	:	
Defendants.	:	
	:	

**MEMORANDUM ORDER**

At Wilmington this 28th day of December, 2012, in this *pro se* employment discrimination action,

**IT IS HEREBY ORDERED** that:

1. In response to Defendants’ discovery requests, Plaintiff has produced documents and responses to interrogatories. (D.I. 46; D.I. 49) Among the documents Plaintiff has produced are her personal tax returns.
2. Defendants took Plaintiff’s deposition on January 20, 2012. (D.I. 49)
3. On February 22, 2012, Plaintiff filed a “Motion Emergency to Seal or Return Discovery Documents” (D.I. 56), a “Motion to Stay on Discovery Scheduling Order” (D.I. 57), and “Motion to Amend Scheduling Order” (D.I. 58). In her motions, Plaintiff claimed that Defendants had misused her personal information during her deposition and had threatened her. (*See, e.g.*, D.I. 56 at 2-3)
4. On March 27, 2012, Magistrate Judge Thyng ruled on Plaintiff’s motions.

Magistrate Judge Thyng denied the motion to seal but directed that certain documents produced by Plaintiff in discovery remain sealed and that redacted versions be filed. Judge Thyng also modified the scheduling order in relation to case dispositive motions and denied as moot the request to stay discovery. (D.I. 64)

5. On April 13, 2012, Plaintiff submitted a “Motion for Extended Time on Memorandum Order,” requesting a 30-day extension. (D.I. 66) On April 30, 2012, Defendants filed a Motion for Summary Judgment. (D.I. 67)

6. Magistrate Judge Thyng extended the time for the filing of objections to her March 27, 2012 Memorandum Order three times, ultimately making the deadline for objections October 1, 2012. (D.I. 71; July 12, 2012 Oral Order; D.I. 74)

7. On October 2, 2012, Plaintiff filed a Response Objection to Magistrate Judge Thyng’s Memorandum Order. (D.I. 75) In addition to objecting to Magistrate Judge Thyng’s rulings, Plaintiff requested additional time to hire the law firm of Schwartz and Schwartz and to reargue or seek reconsideration of the Court’s discovery decision of November 30, 2011. (D.I. 75)

8. On October 16, 2012, Defendants filed a Response to Plaintiff’s Objection to Memorandum Order. (D.I. 76) Defendants requested that the Court strike Plaintiff’s Objection to Memorandum Order and impose sanctions – specifically, dismissal – due to Plaintiff’s failure to prosecute the case. (*Id.*)

9. On November 19, 2012, Plaintiff submitted a Response to Defendants’ Response to Plaintiff’s Objection. (D.I. 77)<sup>1</sup> Plaintiff requested that the Court allow Plaintiff time to

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<sup>1</sup>Absent leave of the Court, briefing on objections to decisions of Magistrate Judges consists solely of the objections and response; replies are not permitted. *See* Standing Order, In re: Utilization of United States Magistrate Judges (D. Del. Nov. 3, 2011) at C.1.e (available on

answer Defendants' Motion for Summary Judgment, pointing to numerous family emergencies and her own confusion in interpreting the Court's rules and rulings. (*Id.*)

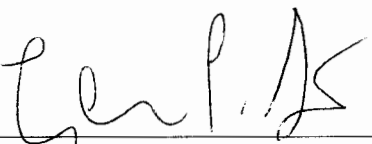
10. Plaintiff's Objections are **OVERRULED**. The Court finds nothing in the Magistrate Judge's handling of Plaintiff's complaints (about defense counsel's purported abusive questioning during the January 20, 2012 deposition, about Defendants' discovery request for Plaintiff's tax return, or about sealing and waiver) that warrants modification or reversal.

11. Defendants' motion to dismiss and for sanctions (D.I. 76) is **DENIED**. Plaintiff's request for additional time to attempt to retain counsel and respond to Defendants' motion for summary judgment is **GRANTED**.

12. Plaintiff has until **February 1, 2013** to retain counsel. If counsel does not enter an appearance by that date, Plaintiff will be deemed to have chosen to continue to proceed *pro se*. **THERE WILL BE NO FURTHER EXTENSIONS.**

13. Plaintiff's opposition to Defendants' summary judgment motion is due no later than **March 1, 2013**. **THERE WILL BE NO FURTHER EXTENSIONS.**

14. Defendants may file a reply brief in support of their motion for summary judgment no later than March 15, 2013.

  
UNITED STATES DISTRICT JUDGE

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the District Court's website). Given that Plaintiff proceeds *pro se*, that Defendants have not moved to strike Plaintiff's "Response" (D.I. 77), and that Defendants have not been unduly prejudiced by Plaintiff's improper filing, the Court will not strike Plaintiff's "Response."