

UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

IN THE MATTER OF:	:	CASE NUMBERS
	:	
JAMES STEPHEN QUAY,	:	BANKRUPTCY CASE
	:	NO. 03-63644-WHD
Debtor.	:	
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	:	
BARRY FISHER, in his capacity as	:	
receiver for PCO, INC. And PERSONAL:	:	
CHOICE OPPORTUNITIES,	:	
	:	
Plaintiff,	:	ADVERSARY PROCEEDING
	:	NO. <u>04-6065</u>
v.	:	
	:	
JAMES STEPHEN QUAY,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Defendant.	:	BANKRUPTCY CODE

ORDER

Before the Court is the Motion to Extend Discovery, filed by the Plaintiff in the above-captioned adversary proceeding. The Plaintiff has requested that the Court extend the discovery period an additional sixty days from the entry by the Court of an order resolving the Plaintiff's motion for partial summary judgment. The Plaintiff's summary judgment motion has been pending with this Court since December 15, 2004. The Defendant opposes the extension, but does not state any grounds for his opposition and does not explain why an extension will be prejudicial or should not be granted.

The Plaintiff states that further discovery may not be necessary if the Court grants

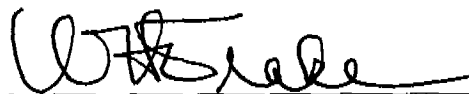
his summary judgment motion. In the event that the Court denies the motion, the Plaintiff has explained that he considers discovery responses made by the Defendant to be inadequate and would need additional time to request more detailed responses.

In his objection to the Motion, the Defendant states that, "[a]lthough [his] responses have been short, and may have been of little use to Plaintiff, they have been truthful, adequate, and in no way an attempt to hinder Plaintiff's rights." The Court will await the filing of a motion to compel by the Plaintiff before it considers whether the Defendant has responded fully to the Plaintiff's discovery requests. However, the Court notes for the Defendant's benefit that the act of engaging in discovery is intended to be "helpful" to the party seeking information that may be relevant to claims or defenses. The Defendant should be prepared to provide as much information as possible or justify to the Court why such information cannot be produced or disclosed.

The Court recently denied the Plaintiff's pending summary judgment motion, and it appears to the Court that the Plaintiff should be provided with additional time as requested for the purpose of finishing his discovery. Accordingly, the Plaintiff's Motion is hereby **GRANTED**, and the discovery period is extended until May 27, 2005.

IT IS SO ORDERED.

At Atlanta, Georgia, this 4 day of April, 2005.



W. HOMER DRAKE, JR.

UNITED STATES BANKRUPTCY JUDGE