

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

Casey Priebe	*	Case No. 3:08-652
	*	Judge Nixon
Plaintiff	*	Magistrate Judge Brown
	*	
v.	*	Motion to Conduct Early Discovery
	*	
Danny Tidwell, et al	*	JURY DEMAND
	*	
Defendants	*	

The Plaintiff, Casey Priebe, moves the Court for an order to permit discovery prior to the Rule 26(f) conference. As grounds for this motion, the Plaintiff files the attached memorandum.

Respectfully submitted,

/s/Tim Hatton
Tim Hatton (#024478)
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MEMORANDUM

The Defendant Danny Tidwell, DBA Tidwell Bonding, dispatched three armed men (hereinafter referred to as “the bounty hunters”) to Hattiesburg, Mississippi to forcibly return Casey Priebe to the jurisdiction of the Wilson County, Tennessee courts. In doing so, the men

disobeyed the laws of the states of Tennessee and Mississippi – in effect, they simply kidnapped Mr. Priebe at gunpoint.

Only one of the men gave Mr. Priebe his name. He did not give Mr. Priebe an address. The names and addresses of the other two Defendants remain unknown to Mr. Priebe and have been named as John Doe #1 and John Doe #2 in this lawsuit. All three bounty hunters were retained by the Defendant Danny Tidwell and Danny Tidwell knows their identities and addresses.

Fed. R. Civ. P. 26(d) requires that no discovery take place prior to the Rule 26(f) conference. The Rule 26(f) conference normally takes place after all parties have been served and have entered an appearance. In this case, only Danny Tidwell can be served.

It would be in the interests of judicial expediency for discovery to be permitted prior to Mr. Tidwell entering his appearance in this case. That discovery can be limited to inquiring as to the names and addresses of the Defendants Keith Lacke, John Doe #1 and John Doe #2. Upon discovery of the correct names and addresses, Mr. Priebe can amend his complaint and effect service upon all Defendants and the case may proceed normally. See *McMann v. Doe*, 460 F. Supp. 2d 259 (2006, DC Mass).

A copy of the proposed interrogatories is attached to this motion and memorandum.

Respectfully submitted,

/s/Tim Hatton

Tim Hatton (#024478)

Attorney for Plaintiff

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CERTIFICATE OF SERVICE

This certifies that a true copy of the foregoing motion to conduct early discovery was served upon all defendants by mailing same to the address for the Defendant Danny Tidwell, 500 N. Cumberland St., Lebanon, Tennessee 37087, this 1st day of July, 2008.

/s/Tim Hatton