

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

LATASHA HOLLOWAY, *et al.*,

Plaintiffs,

v.

Action No. 2:18cv69

CITY OF VIRGINIA BEACH, VIRGINIA, *et al.*,

Defendants.

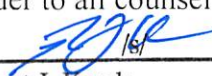
**ORDER**

Before the Court is a motion for protective order and a supplemental motion for protective order pursuant to Rules 26(c)(1) and 26(b)(1)(C)(iii) of the Federal Rules of Civil Procedure filed on May 15, 2019, and July 3, 2019, respectively, by the City of Virginia Beach, Virginia, *et al.*, (“defendants”). ECF Nos. 75, 90. The defendants ask that discovery be limited to only those matters relating to the three preconditions set forth in *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986). *Id.* The defendants also filed a motion to bifurcate trial on May 31, 2019, asking the Court to separate the trial into two phases, phase one being the *Gingles* preconditions, and phase two being the “totality of the circumstances” inquiry. ECF No. 80 at 1. In their opposition to defendants’ supplemental motion for protective order, the plaintiffs requested that the Court award them fees and costs related to the two motions for protective orders. ECF No. 92 at 2.

On July 12, 2019, the Court denied the defendants’ motion to bifurcate trial, with leave to renew after the completion of discovery. ECF No. 93. Because the Court has denied the defendants’ motion to bifurcate trial, limiting discovery to “phase one” is not appropriate at this time. Accordingly, both the defendants’ motion for protective order regarding requests for

production, ECF No. 75, and the defendants' supplemental motion for protective order regarding subpoena requests, ECF No. 90, are **DENIED**. The plaintiffs' request for an award of fees and costs is also **DENIED**.

The Clerk is **REQUESTED** to forward a copy of this Order to all counsel of record.

  
\_\_\_\_\_  
Robert J. Krask  
\_\_\_\_\_  
United States Magistrate Judge  
Robert J. Krask  
United States Magistrate Judge

Norfolk, Virginia  
July 19, 2019