

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

| | | |
|-----------------|---|------------|
| JOEL L. MINGO |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 11-CV-3299 |
| |) | |
| DR. VIPIN SHAH, |) | |
| |) | |
| Defendant. |) | |

OPINION

SUE E. MYERSCOUGH, U.S. District Judge:

Plaintiff filed this case while incarcerated in Jacksonville Correctional Center, alleging that Dr. Shah was deliberately indifferent to Plaintiff's serious medical needs. Plaintiff has since been released and resides in West Chicago, Illinois. Discovery is scheduled to close on September 30, 2011.

Plaintiff's deposition was scheduled for September 7, 2011, in Springfield, Illinois. On August 25, 2011, Plaintiff filed a motion to have the deposition taken by telephone, on the grounds that he lacked the

financial means to travel to Springfield. He also asserted that he risks revocation of his parole if he misses his mandatory classes regarding substance abuse, anger management, and mental health. Judge Harold A. Baker directed the parties to notify the Court whether a video deposition would be feasible, using the IDOC's video conferencing equipment at Concordia in Springfield and at the Thompson Center in Chicago. This case was then transferred to this Court.

A video deposition using the IDOC facilities does not appear to be feasible because the IDOC defendants have been terminated from the case. Accordingly, the options appear to be requiring Plaintiff to appear in person in Springfield or allowing his motion to appear by telephone. Dr. Shah objects to conducting the deposition by phone, arguing that he cannot observe Plaintiff's demeanor and mannerisms through the phone.

Under Fed. R. Civ. P. 30(b)(4), the Court may order "that a deposition be taken by telephone or other remote means." The Court concludes that Plaintiff has shown good cause why he is unable to travel to Springfield for his deposition. Accordingly, his motion will be granted.

IT IS THEREFORE ORDERED:

1. Plaintiff's motion to allow his deposition to be taken by telephone is granted (d/e 59). Dr. Shah may take Plaintiff's deposition by telephone or may travel to Chicago to take Plaintiff's deposition in person.
2. Sua sponte, the discovery deadline is extended to October 31, 2011. The dispositive motion deadline is extended to November 30, 2011.

ENTERED:

FOR THE COURT:

s/Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE