

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JACQUELINE WEATHERLY, )  
 CYNTHIA WILLIAMS, and LYDIA )  
 BURKHALTER, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 ALABAMA STATE UNIVERSITY, )  
 )  
 )  
 Defendant. )

Civil Action No. 2:10CV192-WHA  
 (wo)

**ORDER**

This cause is before the court on the Plaintiffs’ Motion to Strike Defendant’s Deposition Designations (Doc. #85) and the Defendant’s Objections to Plaintiffs’ Amended Witness List for Trial (Doc. #101). It is hereby ORDERED as follows:

1. The Plaintiffs’ Motion to Strike Defendant’s Deposition Designations (Doc. #85) is GRANTED. The Defendant is, of course, free to use the depositions of the three Plaintiffs listed in their designations for impeachment purposes.

2. The Defendant objects to the use of deposition designations of Plaintiffs’ numbered witnesses 4-11. The Plaintiffs have stated that they anticipate calling these witnesses at trial, and request the right to designate deposition testimony if the witnesses are not available to testify. It appears that all of the witnesses are subject to subpoena. Therefore, after the witnesses are promptly served with subpoenas, the court will resolve the issue of designation and objection to designations of depositions of these witnesses if they are unavailable under the circumstances outlined in Fed. R. Civ. Pro. 32(a)(4).

3. The Plaintiffs are ORDERED to show cause, if any there be, on or before **January 27, 2012** why the Defendant's remaining objections to Plaintiffs' Amended Witness List for Trial ought not be sustained.

Done this 20th day of January, 2012.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE