

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<p><b>GPI-AL, INC.,</b></p> <p style="padding-left: 40px;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>NISSAN NORTH AMERICA, INC.,</b></p> <p style="padding-left: 40px;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CIVIL ACTION 17-0511-WS-MU</b></p>
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**ORDER**

This matter comes before the Court on the Consent Motion to Amend Scheduling Order to Allow Trial Preservation Deposition of Mr. William F. Hayes (doc. 132).

As grounds for the Motion, defendant, Nissan North America, Inc., explains that William F. Hayes is a former high-level Nissan employee and a key witness in this case on such topics as the adequacy of Nissan brand representation in the Mobile market, Nissan’s decision to declare an open point in West Mobile, and the like. Defendant further states that Hayes recently separated from his employment with Nissan in a manner that was neither known nor foreseeable to Nissan prior to the close of discovery, that Hayes has indicated that he cannot commit to attending the May 2020 trial in this action, and that he is outside the subpoena power of this Court because he resides in Tennessee. On that basis, Nissan requests that discovery be reopened for the limited, specific purpose of authorizing Nissan to take Hayes’ deposition for trial preservation purposes. Significantly, Nissan represents that plaintiff, GPI-AL, Inc., consents to the relief requested in the Motion, and that intervenor, MB Nissan West Mobile, LLC, joins in the Motion.

In light of the foregoing circumstances, the Court finds that the proposed amendment of the Scheduling Order is being requested for good cause and without delay, and that Nissan was unable to meet the specified deadline despite diligent pursuit of discovery. Accordingly, for cause shown, the Court in its discretion **grants** the Consent Motion (doc. 132) pursuant to Rule 16(b)(4), Fed.R.Civ.P., and Civil L.R. 26(c). The operative Scheduling Order is **amended** as

follows: Discovery will be reopened in this matter through **March 31, 2020**, for the sole purpose of allowing plaintiff to conduct the trial preservation deposition of Mr. William F. (“Billy”) Hayes to be recorded by video and stenographic means before a qualified court reporter and videographer.

DONE and ORDERED this 10th day of December, 2019.

s/ WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE