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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

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Jane Doe, in her own capacity and as the natural mother and legal guardian of her minor child, John Doe,

No. CV 07-1998-PHX-GMS

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**ORDER**

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plaintiffs,

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vs.

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Bill Franklin Dickenson, the City of Phoenix, and the Alhambra School District,

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defendants.

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The Court has received Plaintiff's Motion to Compel the City of Phoenix to Pay for Expert T.T. Williams Deposition Preparation (Dkt. # 136), and Defendant City of Phoenix's Response to that motion (Dkt. # 141). No reply was timely filed. After having considered the various arguments brought forth by counsel, the Court is persuaded by the reasoning in *Schritter v. State Farm Mut. Auto. Ins. Co.*, 201 Ariz. 391, 393, ¶ 11, 36 .3d 739, 741 (2001),

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[i]f the expert is to be a witness at trial, the adverse party taking his deposition need not pay for the time he has spent equipping himself to appear, in the belief that this time would be required in any case for his appearance for the party originally calling him. On the other hand, the time he spends in deposition on cross-examination is time which would not otherwise be required of him, and for this he should be compensated by the inquiring party, unless, at the discretion of the court, manifest injustice would result.

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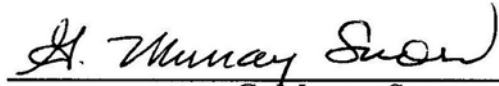
**IT IS HEREBY ORDERED** reaffirming this Court's previous order obliging the City

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1 to pay for Mr. Williams deposition time only.

2 **IT IS FURTHER ORDERED** denying those requests to oblige the City to pay for Mr.  
3 Williams time spent in preparing for the deposition.

4 DATED this 25<sup>th</sup> day of November, 2008.

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7 G. Murray Snow  
8 United States District Judge  
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