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

8 Debra Kane Revit,

9 Plaintiff,

10 vs.

11 First Advantage Tax Consulting Services,  
12 LLC,

13 Defendant.

No. CV-10-1653-PHX-DGC

**ORDER**

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16 The Court held a discovery conference call with the parties on November 3, 2011.  
17 The call was held on the record. After hearing the positions of both parties, the Court  
18 concluded that Plaintiff is entitled to remedial discovery as a result of Defendant's late  
19 disclosure of important emails in this case. As a result, the Court orders the following  
20 relief:

21 1. The depositions of Ms. Henricks, Ms. Tesst, Ms. Boan, and Ms. Jones may  
22 be re-opened, for up to two hours each, with the re-opened depositions to be completed  
23 on or before **December 2, 2011**. The depositions may be completed by video conference  
24 or telephone call.

25 2. Defendant shall pay all costs incurred in connection with the re-opened  
26 depositions.

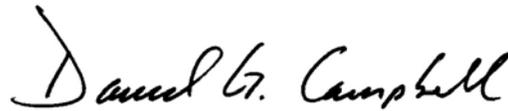
27 3. Defendant shall pay Plaintiff's reasonable attorneys' fees in connection  
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1 with the telephone conference on November 3, 2011, and the re-opened depositions. The  
2 parties shall confer to agree upon the amount of this reimbursement. If the parties are  
3 unable to agree, they shall place a joint telephone call to the Court for resolution.

4 4. Defendant's motion for summary judgment (Doc. 100) is **denied without**  
5 **prejudice**. Defendant shall re-file the motion for summary judgment on  
6 **December 9, 2011**. Plaintiff's response time shall run from the December 9, 2011 filing  
7 of the motion for summary judgment.

8 5. The Court awards this relief pursuant to Rule 37(d)(3) of the Federal Rules  
9 of Civil Procedure.

10 Dated this 7th day of November, 2011.

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15 David G. Campbell  
16 United States District Judge  
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