

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**RICKY WEAVER, as Personal
Representative of the Estate of
MICAH WEAVER, Deceased**

PLAINTIFF

v.

Case No. 1:11-cv-00025 KGB

**TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR SALES, U.S.A., INC.,
and TK HOLDINGS, INC.**

DEFENDANTS

ORDER

Before the Court is plaintiff's objection to defendants' notice to take deposition (Dkt. No. 83) and defendants' response to plaintiff's objection (Dkt. No. 84). Plaintiff objects to defendants' notice to take the deposition of plaintiff's expert witness Robert M. Hooker on December 3, 2013, a date now past, because plaintiff alleges that Mr. Hooker was to be in court in California on that date, that defendants have had ample opportunity to take the oral deposition of Mr. Hooker, and that plaintiff has made Mr. Hooker available for deposition on May 31, 2013, which defendants canceled.

Defendants respond by providing correspondence between plaintiff's and defendants' counsel over the past three months attempting to schedule and reschedule Mr. Hooker's deposition. The correspondence provided by defendants reveals defendants' repeated attempts to schedule Mr. Hooker's deposition over the past three months with little cooperation from plaintiff's counsel who has asked to reschedule Mr. Hooker's deposition at least three times between May and November 2013, including a request by plaintiff—not defendants—to reschedule Mr. Hooker's deposition on May 31, 2013.

Defendants request that the Court overrule plaintiff's objection, award defendants their costs and expenses related to Mr. Hooker's failure to appear, and that the Court either strike Mr.

Hooker as an expert witness from this case or in the alternative order Mr. Hooker to be present for deposition in Little Rock, Arkansas on December 11 or 12, 2013. The Court grants in part and denies in part defendants' requests. Based on good cause shown, the Court overrules plaintiff's objection (Dkt. No. 83) and orders Mr. Hooker to be present for deposition in Little Rock, Arkansas on December 11 or 12, 2013, or provide the Court before 10:00 a.m. Central Time on December 9, 2013, good reason as to why Mr. Hooker is unavailable on those dates. The Court denies defendants' request for costs and expenses associated with this matter.

SO ORDERED this 5th day of December, 2013.

A handwritten signature in black ink, appearing to read "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker
United States District Judge