

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

GEORGE TEDDER

PLAINTIFF

v.

CASE NO. 3:09CV00186 BSM

AMERICAN RAILCAR INDUSTRIES, INC.

DEFENDANT

ORDER

Plaintiff George Tedder's amended motion to allow use of deposition designations [Doc. No. 63] is denied. Although Rule 32 of the Federal Rules of Civil Procedure allows an adverse party to use the deposition of a party's officer, director, managing agent, or designee, the interest of judicial efficiency would best be met by the use of live testimony. Fed. R. Civ. P. 32(a)(3). Since there has been no indication that any of the eight deponents are unavailable for trial, the amended motion to allow use of deposition designations [Doc. No. 63] is denied. Accordingly, Tedder's motion to allow use of deposition designations [Doc. No. 53] is also denied.

IT IS SO ORDERED this 23rd day of March 2012.


UNITED STATES DISTRICT JUDGE