

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

WILLIAM GUMBY,	*	
	*	
Plaintiff,	*	
	*	
vs.	*	No. 4:11CV000340 SWW
	*	
UPS GROUND FREIGHT INC., ET AL.,	*	
	*	
Defendants.	*	

Order

Before the Court is defendants’ motion to quash depositions and request for emergency hearing to which plaintiff responded. The Court finds the motion should be denied.

Plaintiff was involved in a motor vehicle accident with defendant Allen Howard, an employee of UPS Ground Freight, on February 4, 2011. Plaintiff filed a lawsuit in state court on March 18, 2011, seeking damages for the alleged negligence of Howard. The case was removed to federal court and is set for trial the week of September 10, 2012. The discovery deadline is April 13, 2012.

Defendants asked for plaintiff’s medical records relating to the accident. According to defendants, plaintiff provided some of the records and then noticed the depositions of plaintiff’s treating physician and the plaintiff himself who, according to his counsel, is suffering from dementia as a result of the accident. Defendant told plaintiff’s counsel they would not be ready to depose plaintiff until after they received his medical records, and that they would not be available to attend the depositions set by plaintiff. Defendants complain plaintiff refuses to reschedule the depositions, set for October 28, 2011, in Las Vegas, Nevada, and fails to provide complete and accurate medical

records. Further, defendant asserts the medical records indicate discrepancies in plaintiff's medical condition. Defendants ask the Court to quash the depositions and order plaintiff's counsel to schedule the depositions at a time convenient to all parties and to produce all the requested medical records prior to the depositions.

In response, plaintiff's counsel states she timely requested the medical records and is providing them to defendants as they are received. She explains the notations on the medical records about which defendants express concern, says she attempted to work on agreed dates for the depositions without success, and that the notices are reasonable under the rules. Plaintiff's counsel further states the depositions are for their client and his doctor and that plaintiff and his doctor will be made available if defendant chooses to depose them again. Plaintiff's counsel says she offered to set up video conferencing if defense counsel preferred not to travel to Las Vegas.

The Court finds defendants fail to show sufficient reasons for quashing the notices of depositions.

IT IS THEREFORE ORDERED that defendants' motion to quash and for emergency hearing [docket entry 15] is denied.

DATED this 19th day of October, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE