

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

DWIGHT PULLEY

PLAINTIFF

v.

No. 4:11-cv-00634-KGB

UNITED HEALTH GROUP INCORPORATED

DEFENDANT

ORDER

Before the Court is Defendant's Second Motion and Incorporated Brief to Compel the Deposition of Plaintiff Dwight Pulley (Dkt. No. 56). Mr. Pulley has responded (Dkt. No. 57). The motion is granted.


The Court acknowledges that Mr. Pulley is engaged in a search for employment and, therefore, has demands on his time associated with that process. However, Mr. Pulley filed this action, and defendant United Health Group Incorporated has a right to depose Mr. Pulley and engage in meaningful discovery before the current August 20, 2012 discovery deadline. The Court also recognizes that United Health Group Incorporated is represented in this action by law firms with numerous lawyers, including many lawyers in Arkansas, and that in litigation depositions sometimes start before and end after regular business hours.

For these reasons, the Court directs the parties to work together and schedule Mr. Pulley's deposition to take place before August 20, 2012, on a mutually agreeable date and at a mutually agreeable time and location. Pursuant to Rule 30(d)(1) of the Federal Rules of Civil Procedure, "a deposition is limited to 1 day of 7 hours." Accordingly, when scheduling the deposition, the parties are directed to make certain that they are available for the full seven (7) hours required by Rule 30(d)(1). The Court notes there is room for compromise by both sides, such as possibly starting the deposition at 7:00 a.m. on August 16, 2012, taking a break at 12:30

p.m. for Mr. Pulley to attend his interview, and then resuming the deposition that same day after Mr. Pulley's interview concludes. The parties are to report to this Court by 5:00 p.m. Monday, July 30, 2012, that they reached agreement on this scheduling issue and inform the Court of the terms of the agreement in writing.

If the parties cannot agree by 5:00 p.m. Monday, July 30, 2012 on a date, time, and location for Mr. Pulley's deposition, the parties are directed to provide the Court with all dates and times they are available between the date of this Order and August 20, 2012, including but not limited to Saturdays. The Court will then select the date, time, and location for Mr. Pulley's deposition to take place. The parties may email this information to the Court at kgbchambers@ared.uscourts.gov.

SO ORDERED this the 25 day of July, 2012.



Kristine G. Baker
United States District Judge