

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

DAVID WILLIAMS,
ADC #78730

PLAINTIFF

v.

5:05CV00048HLJ

LARRY NORRIS, et al.

DEFENDANTS

ORDER

This matter is before the Court on defendants' motion to quash the deposition of defendant Tim Moncrief, scheduled for 2 p.m. today, November 12, 2009, at the Varner Unit of the Arkansas Department of Correction (ADC) (DE #305).

In support of the motion, defendant states he is a former ADC employee who is now a cross-country truck driver. Defendant states requiring him to appear in Arkansas for a deposition would affect his livelihood and would result in undue financial burdens on him. In addition, defendant states that since he is no longer employed by the ADC, he is not permitted to visit the ADC units and therefore, can not be deposed at the Varner Unit. Defendant states he has proposed two alternatives to plaintiff: one, to be deposed by telephone, with the plaintiff and his attorney present together at the Varner Unit; and the second, to be deposed at the Office of the Arkansas Attorney General, with plaintiff's counsel present. Defendant states plaintiff has rejected both alternatives.

Plaintiff's notice of the deposition, scheduled for November 12, 2009, was received by defendant's counsel on November 9, 2009. In light of defendant's travel schedule, the Court finds such is not a reasonable notice and will therefore grant the motion to quash. In addition, the Court will provide the parties' attorneys five days in which to agree to how and where defendant's deposition should be re-scheduled. If, after that five-day period, the parties are still unable to reach

an agreement, the Court will decide how and where the deposition will be conducted. Accordingly,

IT IS, THEREFORE, ORDERED that defendants' motion to quash the deposition of Tim Moncrief, scheduled for November 12, 2009 (DE #305), is hereby GRANTED.

IT IS FURTHER ORDERED that the parties shall confer concerning the re-scheduling of the deposition, and shall notify the Court of such within five days of the date of this Order. If an agreement can not be reached, the Court will determine how and where the deposition shall be re-scheduled.

IT IS SO ORDERED this 12th day of November, 2009.

Henry L. Jones, Jr.

United States Magistrate Judge