

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

STEPHEN A. MELLER, TRUSTEE OF
STEPHEN A. MELLER TRUST AND
STEPHEN A. MELLER DECENDENTS
SEPARATE TRUST

PLAINTIFFS

vs.

Case No. 6:10-cv-06018

MELLER MANAGEMENT, LLC,
SALLY W. MELLER, L.P., and
COMMUNITY FIRST TRUST COMPANY

DEFENDANTS

ORDER

BEFORE the Court is the Separate Defendants, Meller Management, LLC and Sally W. Meller, L.P., Motion to Quash Deposition of Carol Sue "Suzi" Meller-Hooten (ECF. No. 69), Separate Defendants, Meller Management, LLC and Sally W. Meller, L.P., Motion to Quash Deposition of a Representative of Meller Management, LLC., (ECF No. 71), and Defendant Community First Trust Company's Motion to Quash Deposition of Carol Sue "Suzi" Meller-Hooten. ECF No. 73. Plaintiff has responded to these Motions. ECF. No. 74. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) (2005), United States District Judge Robert T. Dawson referred these Motions to Quash to the undersigned for decision. The Court having reviewed the pleadings and arguments of counsel finds these Motions to Quash should be **GRANTED**.

1. Background:

On January 12, 2011, Plaintiff filed a Motion to Continue Trial and Discovery Deadline. ECF No. 28. On January 13, 2011 this Court granted Plaintiff's Motion to Continue Trial and

Discovery Deadline and extended the discovery deadline through March 21, 2011. ECF No. 33. By text order dated January 13, 2011, this matter has been set for trial for June 13, 2011.

On March 11, 2011 Plaintiff filed a Motion for Extension of Time to Complete Discovery and requested a thirty (30) day extension of the discovery deadline, through and including April 20, 2011, for the sole purpose of deposing Carol Sue "Suzi" Meller. ECF No. 55. On April 4, 2011, this Court, by text order, granted Plaintiff's Motion for Extension of Time to Complete Discovery which provided Plaintiff a thirty (30) day extension of the discovery deadline, through and including April 20, 2011, for the sole purpose of deposing Carol Sue "Suzi" Meller.

On April 12, 2011, Plaintiff noticed the deposition of Carol Sue "Suzi" Meller-Hooten and a Representative of Meller Management, LLC, to be taken April 26, 2011. ECF No. 69-1, 71-1. With these Motions To Quash, the Defendants seek to prevent Plaintiff from taking these depositions on April 26, 2011 as this date is outside the extended discovery deadline, April 20, 2011. ECF Nos. 69, 71, and 73.

2. Discussion:

Plaintiff's seek to take the depositions of Carol Sue "Suzi" Meller-Hooten and a Representative of Meller Management LLC on April 26, 2011. These depositions are beyond the scope of the discovery deadline as set forth by this Court in its text entry order of April 4, 2011. By this order, Plaintiff was granted a thirty (30) day extension of the discovery deadline, through and including April 20, 2011, for the sole purpose of deposing Carol Sue "Suzi" Meller. The Court did not authorize discovery beyond April 20, 2011, and did not authorize additional depositions other than that of Carol Sue "Suzi" Meller.

IT IS THEREFORE ORDERED Separate Defendants, Meller Management, LLC and Sally W. Meller, L.P., Motion to Quash Deposition of Carol Sue "Suzi" Meller-Hooten (ECF. No. 69), Separate Defendants, Meller Management, LLC and Sally W. Meller, L.P., Motion to Quash Deposition of a Representative of Meller Management, LLC., (ECF No. 71), and Defendant Community First Trust Company's Motion to Quash Deposition of Carol Sue "Suzi" Meller-Hooten (ECF No. 73) are hereby **GRANTED**.

DATED this 21st day of April, 2011.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE