

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
STEINBUCH)	
)	
Plaintiff,)	
)	CASE No. 01:05-CV-00970 (PLF)
v.)	
CUTLER)	
)	
Defendant.)	
_____)	

MOTION TO QUASH NOTICE OF DEPOSITION

Counsel for the defendant, John Umana, filed a Notice of Deposition of the plaintiff with the court. Such action is patently in violation of LCvR 5.2(a). LCvR 5.2(a) states:

Except as otherwise provided by this Rule, interrogatories, depositions, requests for documents, requests for admissions, and answers and responses thereto shall be served upon other counsel and parties but shall not be filed with the Clerk until they are used in the proceeding or upon order of the Court as required below.

Moreover, Umana violated Fed.R.Civ.P.26(d) by attempting to seek discovery before the parties have conferred as required by Rule 26(f). Fed.R.Civ.P. 26(d) states that:

Except in categories of proceedings exempted from initial disclosure under Rule 26(a)(1)(E), or when authorized under these rules or by order or agreement of the parties, a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f).

We realize that Umana is new to this case, but that is no excuse for not being familiar with the Federal Rules of Civil Procedure and the Local Rules of this Court prior to filing with this Court.

Indeed, this Court warned the parties in open court on May 5, 2006 to restrain

themselves from making this matter more litigious than necessary given the personal, highly emotional nature of this legal action. And, perhaps not coincidentally, Umana objected to the assignment of a Magistrate Judge in this case to handle discovery matters. Nonetheless, Umana made both an obviously improper filing with this court and violated the Rules regarding discovery.

Accordingly, this Court should quash Defendant's Notice of Deposition of Plaintiff.

Dated: April 8, 2006

Respectfully Submitted,

/Jonathan Rosen/
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