

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DANIEL A. BERNATH,

Plaintiff,

v.

Case No: 2:15-cv-358-FtM-99CM

MARK CAMERON SEAVEY,

Defendant.

ORDER

This matter comes before the Court upon review of Defendants' Motion for Permission to Conduct Plaintiff's Deposition at Courthouse (Doc. 130) filed on February 2, 2017. Defendant Mark Cameron Seavey and Intervenor-Defendant The American Legion state that they have tentatively scheduled Plaintiff's deposition to take place on February 27, 2017. Doc. 130 at 1. They request permission to conduct the deposition at the United States Courthouse in Fort Myers, Florida due to security concerns. *Id.* at 1-5. Plaintiff has filed a response in opposition. Doc. 143. Plaintiff's does not object to his deposition being taken, but he objects to it taking place at the courthouse. *Id.* at 7. In another motion, however, Plaintiff requests "an order be made that no weapons of any kind be permitted with the deposition room or the deposition building whilst my deposition is being taken." Doc. 115 at 2. The Federal Rules of Civil Procedure allow the Court in which the action is pending to designate the time or place in which discovery is to take place. Fed. R. Civ. 26(c)(1).

Because both parties have expressed safety and security concerns, the Court finds good cause to grant the motion.¹ *See* Docs. 130; 115.

ACCORDINGLY, it is hereby

ORDERED:

1. Defendants' Motion for Permission to Conduct Plaintiff's Deposition at Courthouse (Doc. 130) is **GRANTED**.
1. Plaintiff shall appear for his deposition **on Monday, February 27, 2017 at 9:00 A.M. at the United States Courthouse & Federal Building, 2110 First Street Fort Myers, Florida 33901.**
2. Counsel for The American Legion or Seavey shall reserve a conference room for the deposition by contacting Mark Middlebrook, Division Manager at (239) 461-2002, five days in advance of the scheduled deposition. Only one counsel shall contact the Clerk for the deposition. The contacting counsel should be prepared to provide the number of people attending the deposition and the approximate time required to take the deposition. The parties are responsible for providing their own court reporters. Courtroom Security Officers are available to be present for the deposition if necessary.

¹ The parties' discovery deadline was January 31, 2017. Doc. 113. Because the Court is granting this motion, the discovery deadline will be extended to February 27, 2017 *solely* for the purpose of conducting Plaintiff's deposition.

DONE and **ORDERED** in Fort Myers, Florida on this 15th day of February,
2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record
Pro Se Plaintiff