

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**KEARNEY CONSTRUCTION COMPANY,
LLC,**

Plaintiff,

v.

Case No. 8:09-cv-1850-T-30TBM

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, et al.,**

Defendants.

ORDER

THIS CAUSE comes before the Court upon Travelers' Renewed Motion for Leave to Take Additional Depositions (Dkt. 220) and the Third-Party Defendants' Memorandum in opposition (Dkt. 221). The Court, having reviewed the motion, response, and being otherwise advised in the premises, concludes that the Renewed Motion should be granted.

On July 7, 2011, the Court denied as moot Travelers' Motion for Leave to Take Additional and Supplemental Depositions (Dkt. 219). The Motion was denied as moot because Travelers failed to show that it had already scheduled and/or taken the ten depositions that it was allotted under the rules. The Court held that:

To the extent Travelers requests any additional depositions, it must do so after the scheduling of the depositions discussed herein. And any motion for leave to take additional depositions shall list every deposition scheduled and/or previously taken, an explanation of the relevance of these depositions, and an explanation of why any additional depositions would be necessary and not cumulative.

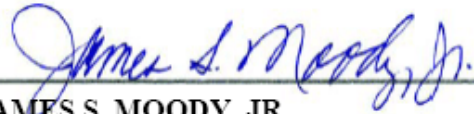
Travelers' Renewed Motion indicates that it has taken five depositions to date and scheduled thirteen additional depositions, in coordination with the Third-Party Defendants. Travelers requests permission to take the additional depositions that exceed the allotted ten depositions. Travelers includes a description of the relevance of each deposition, including the depositions that were taken.

The Court concludes that Travelers has sufficiently justified its need to take the additional depositions. Travelers' description of the relevance of each deposition complies with the Court's previous Order and adequately demonstrates that the depositions are not cumulative. Moreover, these depositions have been scheduled.

It is therefore ORDERED AND ADJUDGED that:

1. Travelers' Renewed Motion for Leave to Take Additional Depositions (Dkt. 220) is GRANTED.
2. Travelers' Motion to Supplement (Dkt. 222) is DENIED as moot.¹

DONE and **ORDERED** in Tampa, Florida on August 2, 2011.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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¹ It is important to note that Travelers' calculation of the Third-Party Defendants' response-time is incorrect. Under, Fed. R. Civ. P. 6(d), a party has three (3) additional mailing days, for a total of seventeen (17) days, to respond to a motion. Thus, the response was timely-filed.