

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

FORUM ARCHITECTS, LLC,

Plaintiff,

vs.

CASE NO. 1:07CV190-SPM/AK

ED CANDELA, et al,

Defendants.

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ORDER

Presently before the Court is Plaintiff's Motion for Protective Order concerning the unilateral setting of several depositions for tomorrow February 27, 2009, (doc. 367), as supplemented. (Doc. 370). Defendants have responded. (Doc. 368).

As an initial matter, it is always a good practice to contact chambers when an emergency motion has been filed that requires immediate action. Oftentimes, depending on the time of filing and the time the Clerk's Office refers matters, the alert may not come out on a report until the next day. So, for future reference, the parties should alert chambers by a phone call when an emergency matter has been filed.

Defendants are correct that when an opposing party fails to cooperate in scheduling they have no recourse but to schedule depositions at their own convenience, but it is wise to do such unilateral scheduling within a reasonable time frame, which has always generally and under most circumstances been understood to be at least ten

days. This is especially true if the scheduling notices are mailed, not faxed or emailed, and in a case that has been fraught with discovery bickering. Regardless, and without deciding who is most at fault in this instance, the discovery deadline was extended through April 17, 2009, the day this motion was filed, making it absolutely unnecessary to schedule these depositions tomorrow. (See Doc. 369).

Accordingly, it is

ORDERED:

Plaintiff's Motion for Protective Order (doc. 367) is **GRANTED**, and the depositions scheduled for February 27, 2009, are hereby **CANCELLED**.

DONE AND ORDERED this 26th day of February, 2009.

s/ A. KORNBLUM
ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE