

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

DENNIS ROBERT FLANAGAN,

Plaintiff,

vs.

Case No. 3:08cv204-RV/WCS

MARK SHIPMAN,

Defendant.

_____ /

ORDER

The Department of Corrections, who is not a party to this case, filed a notice to the Court. Doc. 76. The notice requests that the informal discovery process as used in case number 4:08cv452 be implemented instead of permitting Plaintiff to correspond with another inmate pursuant to the Department's rules. *Id.* This order is entered to implement the informal procedure as it is a sensible way to allow this discovery.

Plaintiff shall submit the list of written deposition questions pursuant to FED. R. CIV. P. 31 to Alexandria Walters, Assistant General Counsel, on or before **February 5, 2010**. Within fourteen (14) days, the Assistant General Counsel shall determine the current location of the inmate(s) and shall provide the deposition questions to the

appropriate litigation coordinator at his institution. The litigation coordinator shall *promptly* take the sworn testimony of the inmate witness and shall return the response to the Assistant General Counsel, who shall then return the written deposition response to Plaintiff. The response shall be returned to Plaintiff within thirty (30) days from the date of Plaintiff's certificate of service to the Assistant General Counsel.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion for a court order allowing him to correspond with another inmate witness, doc. 74, is treated as a motion for written deposition questions under FED. R. CIV. P. 31, and **GRANTED**.

2. The prior order which granted that motion, doc. 75, is **VACATED**.

3. Plaintiff shall have until **February 5, 2010**, to submit the written deposition questions under Rule 31 to Alexandria Walters, Assistant General Counsel, at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

4. Within fourteen (14) days of the date of receipt, the Assistant General Counsel shall determine the current location of inmate Donald Walsh, DOC # 073644, and shall provide the deposition questions to the appropriate litigation coordinator at the inmate's institution. The litigation coordinator shall promptly take the sworn testimony of the inmate witness and shall return the responses to the Assistant General Counsel, who shall then return the written deposition responses to Plaintiff. The responses shall be provided to Plaintiff within thirty (30) days from the certificate of service provided by Plaintiff on his submission of written questions.

5. The Clerk of Court shall return this file to me upon the end of the discovery period, February 23, 2010.

DONE AND ORDERED on January 11, 2010.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE