

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-60255-CIV-ZLOCH

ROSE J. SPANO,

Plaintiff,

vs.

MICHAEL SATZ, et al.,

Defendants.

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O R D E R

THIS MATTER is before the Court upon Plaintiff Rose J. Spano's Motion For Leave Of Court To Take Deposition (DE 44). The Court has carefully reviewed said Motion and the entire court file and is otherwise fully advised in the premises.

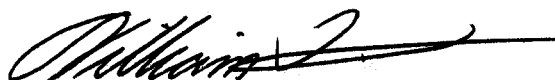
By the instant Motion (DE 44), Plaintiff seeks an Order allowing her to depose some or all of the Defendants. Plaintiff attached a Subpoena (DE 44, Ex. A) stating that the deposition would take place on May 27, 2009. She states the instant Motion that she contacted Counsel for Defendants to arrange the deposition but that he was unavailable. This is not a ground to file the instant Motion. See Fed. R. Civ. P. 30(a)(1) (allowing a party to depose any person without leave of court); Fed. R. Civ. P. 37(a)(3)(B)(i) (allowing a party to move to compel discovery after the failure of the responding party to answer). That Counsel for Defendants was not available to arrange a deposition on the occasion Plaintiff tried to do so is not a reason to entangle this Court in the discovery in this action. The Parties will see to their discovery unless the Court's involvement is necessitated as

contemplated by the Federal Rules.

Accordingly, after due consideration, it is

**ORDERED AND ADJUDGED** that Plaintiff Rose J. Spano's Motion For Leave Of Court To Take Deposition (DE 44) be and the same is hereby **DENIED**.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 26<sup>th</sup> day of May, 2009.



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WILLIAM J. ZLOCH  
United States District Judge

Copies furnished:

All Counsel of Record

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