

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS, SPRINGFIELD DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 14-3132
)	
JEROLD BARRINGER,)	
Individually and as trustee)	
of the Kelbar Associates Trust,)	
LINDA BARRINGER, et al.,)	
)	
Defendants.)	

OPINION

TOM SCHANZLE-HASKINS, U.S. MAGISTRATE JUDGE :

This matter comes before the Court on Plaintiff United States of America’s Motion to Compel Depositions of Jerold W. Barringer and Linda M. Barringer (d/e 42) (Motion). For the reasons set forth below, the Motion is ALLOWED.

The Plaintiff United States has repeatedly attempted to secure the depositions of Defendants Jerold W. Barringer and Linda Barringer (the Barringers) without success. The exhibits attached to the Motion show that the Barringers have not cooperated with Plaintiff United States’ efforts to schedule their depositions. The Plaintiff United States’ counsel has asked the Barringers for dates, but the Barringers have not provided any. The

Plaintiff United States finally set the depositions, but the Barringers did not appear. The Barringers state that they need to schedule depositions six weeks in advance to arrange work schedules so that they can appear. The Barringers, however, have not proposed any dates six weeks in the future. The Barringers simply have not responded to the Plaintiff United States' requests for dates.

The Barringers' lack of cooperation is consistent with their prior failures to comply with discovery in this case. The Court has been required to order them to make the disclosures required under Federal Rule of Civil Procedure 26(a) and to respond to discovery requests. Opinion entered May 22, 2015 (d/e 34); Opinion and Order entered June 11, 2015 (d/e 37); Minute Entry entered June 25, 2015.

The Court therefore will set dates for these depositions. If the parties can agree to earlier dates, they may file a joint request to modify the schedule set by this Opinion. Absent such a joint request, the depositions are ordered to occur at the dates set by the Court.

THEREFORE, Plaintiff United States of America's Motion to Compel Depositions of Jerold W. Barringer and Linda M. Barringer (d/e 42) is ALLOWED. Defendant Linda Barringer is hereby ordered to appear on November 16, 2015, at 9:00 a.m., at the office of Midwest Litigation

Services, 15 S. Old State Capitol Plaza, Springfield, IL 62701, and submit to being deposed by oral examination pursuant to Federal Rule of Civil Procedure 30. Defendant Jerold W. Barringer, individually and as co-Trustee of the Kelbar Associates Trust, is hereby ordered to appear on November 17, 2015, at 9:00 a.m., at the office of Midwest Litigation Services, 15 S. Old State Capitol Plaza, Springfield, IL 62701, and submit to being deposed by oral examination pursuant to Federal Rule of Civil Procedure 30. Each of these two depositions is hereby ordered to commence at 9:00 a.m. and end no later than 5:00 p.m., with a one-hour break for lunch from 12:00 p.m. to 1:00 p.m.

ENTER: October 29, 2015

s/ Tom Schanzle-Haskins
UNITED STATES MAGISTRATE JUDGE