

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LA VERNE FOSTER,)	
)	
Plaintiff,)	
)	
v.)	No. 1:17-cv-04271-JRS-DLP
)	
MEGAN J. BRENNAN, Postmaster)	
General, United States Postal Service,)	
Great Lakes Region,)	
)	
Defendant.)	

ORDER

This matter comes before the Court on the Plaintiff's Motion for Deposition. (Dkt. 172). The Plaintiff here requests permission to depose Abraham Benjamin for a second time. Mr. Benjamin returned the errata sheet from his deposition and included notes for the court reporter to attach the exhibits. Because of this, Plaintiff believes that Mr. Benjamin may, after reviewing her exhibits, recall additional information. The Plaintiff further requests that the Court order the Defendant to pay all costs and expenses associated with this second deposition. The Defendant responds that fact discovery has closed and dispositive motions were due on July 5, 2019; that the Plaintiff has not demonstrated good cause for a second deposition; and that the Federal Rules require the noticing party to pay for the costs of recording a deposition. [Dkt. 177 at 3-4.]

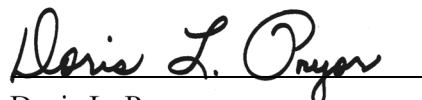
The Federal Rules of Civil Procedure provide that, "[u]nless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7 hours. The

court must allow additional time consistent with Rule 26(b)(2) if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.” Fed. R. Civ. P. 30(d)(1). The court need not order an extended deposition if the extended deposition would be cumulative or unreasonably burdensome, as provided by Rule 26(b)(2). Fed. R. Civ. P. 30(d)(1), Advisory Committee Notes (2000). The burden will be on the moving party to show good cause for why the extension is warranted. *Id.*

The Plaintiff cannot use the mere possibility that the deponent may recall additional information to justify a second deposition. Moreover, the Advisory Committee Notes encourage the deposing party to submit documents to the deponent prior to the deposition, so that the deponent may familiarize himself with the materials. Fed. R. Civ. P. 30(d)(1), Advisory Committee Notes (2000). Although this is a suggestion and not a requirement of the rule, it would be inappropriate for the Court to allow the Plaintiff to wait until the day of the deposition to provide the deponent with documentation about which she will question him and then claim she needs additional time for the deponent to become familiar with the exhibits. The Plaintiff provided no other justification for needing a second deposition of Abraham Benjamin. Good cause has not been shown and, accordingly, Plaintiff’s motion is **DENIED**.

So ORDERED.

Date: 7/27/2019


Doris L. Pryor
United States Magistrate Judge
Southern District of Indiana

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