

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VITTORIO ABBRUZZINO,

Case No. 08-11534

Plaintiff,

Robert H. Cleland

vs.

United States District Judge

DR. HUTCHINSON, et al.,

Michael Hluchaniuk

Defendants.

United States Magistrate Judge

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**ORDER GRANTING DEFENDANTS' MOTION  
FOR LEAVE TO TAKE PLAINTIFF'S DEPOSITION (Dkt. 42)**

This matter is before the Court on the motion for leave to take plaintiff's deposition filed on May 4, 2009, by defendants Craig Hutchinson, M.D. and Paula Meyer, N.P. (Dkt. 42). The Court notes that the discovery cut-off date is June 22, 2009. In support of their motion, defendants state that the institution in which plaintiff is housed typically requires a written court order to allow a deposition of a prisoner. This is consistent with Federal Rule of Civil Procedure 30(a)(2), which requires leave of court to take the deposition of an incarcerated individual and which should be permitted when consistent with the principles outlined in Rule 26(b)(2).

Having considered the motion, it is **GRANTED**. The Michigan Department of Corrections is ordered to produce plaintiff for his deposition. The deposition of plaintiff must take place at a date and time as agreed on by the parties and the correctional facility on or before June 22, 2009.

**IT IS SO ORDERED.**

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), objections must be served on this Magistrate Judge.

Date: May 8, 2009

s/Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

## CERTIFICATE OF SERVICE

I certify that on May 8, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Ronald W. Chapman, Kimberley A. Koester, and Carly A. Van Thomme, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Vittorio Abbruzzino #226307, COOPER STREET CORRECTIONAL FACILITY, 3100 Cooper Street, Jackson, MI 49201.

s/Tammy Hallwood  
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