

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MITCH AUGUST,

Plaintiff,

v.

Case No. 2:13-cv-13894
District Judge Paul Borman
Magistrate Judge Anthony P. Patti

MANLEY TOYS, LTD.,

Defendant.

**ORDER GRANTING IN PART PLAINTIFF'S MOTION TO EXTEND
DISCOVERY (DE 26) AND GRANTING IN PART DEFENDANT'S
MOTION TO COMPEL DEPOSITION AND FOR COSTS AND
SANCTIONS (DE 30)**

This matter is before the Court for consideration of Plaintiff's motion to extend discovery by 60 days (DE 26) and Defendant's motion to compel the completion of the deposition of Plaintiff (DE 30). Both matters came before me at a hearing on November 10, 2015. For the reasons stated on the record, Defendant's motion is **GRANTED**, excepting its request for costs and sanctions. (DE 30.) As stated upon the record, I also order the following with respect to Defendant's motion:

1. Plaintiff's deposition must be scheduled and completed on or before November 20, 2015.
2. Defendant will have six hours in which to complete the deposition.
3. Plaintiff shall rely on his counsel to make objections and determine the narrow exceptions under which a question may be refused during a deposition. Plaintiff shall not make his own objections and must, unless an exception exists, answer the questions asked of him.
4. Plaintiff's deposition shall take place at the law office of Defendant's counsel. Mr. Dubinski may listen in by telephone.

Additionally, and for the reasons stated on the record, Plaintiff's motion (DE 26) is

GRANTED IN PART AND DENIED IN PART with the following conditions:

1. Fact discovery will remain open until November 30, 2015 for the limited purpose of Plaintiff's deposition of Defendant's corporate representative pursuant to Federal Rule of Civil Procedure 30(b)(6).
2. Plaintiff is ordered to re-notice the deposition in compliance with Rule 30(b)(6). In particular, the notice must describe with reasonable particularity the matters for examination.
3. Disposition of Plaintiff's newly filed motion for protective order (DE 35), which was not before me, shall not impact any deadlines set forth in this order.

4. Nothing in this order will impact any other deadlines set by Judge Borman in his February 17, 2015 scheduling order, unless ordered by him to the contrary.

IT IS SO ORDERED.

Dated: November 10, 2015

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on November 10, 2015, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti