

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HEATHER ANGER,

Plaintiff,

v.

Case No. 2:17-cv-10083
District Judge Paul D. Borman
Magistrate Judge Anthony P. Patti

GENERAL MOTORS, LLC.,

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION SEEKING LEAVE TO INCREASE NUMBER OF DEPOSITIONS
THAT PLAINTIFF MAY TAKE (DE 44)**

This matter is before the Court for consideration of Plaintiff's motion for leave to increase number of depositions that Plaintiff may take (DE 44), Defendant's response (DE 47), Plaintiff's amended reply (DE 51), and the parties' joint list of resolved issues (DE 52). Federal Rule of Civil Procedure 30(a)(2)(A)(i) permits a party to take up to ten (10) depositions. Plaintiff seeks leave pursuant to Fed. R. Civ. P. 30(a)(2)(A)(i) to take seven (7) additional depositions. (DE 44.) The parties stipulated in their Joint List of Resolved Issues filed with the Court on January 10, 2018, that Plaintiff is permitted to depose four additional persons (Karyn Pryor, Steve Worrall, and two additional group managers not yet named), as well as Defendant's expert during the expert discovery period, bringing the total number of depositions to 15. (DE 52.)

The parties, through counsel, came before me for a hearing on January 11, 2018 to address the remaining three witnesses. For the reasons stated on the record and consistent with the findings made from the bench, all of which are incorporated by this reference as though fully restated herein, Plaintiff's motion is **GRANTED IN PART AND DENIED IN PART**. Specifically, Plaintiff's request to depose Linda Chota and Kirk Mattana is **GRANTED** as follows:

- 1. Linda Chota:** The deposition will be limited to **two (2) hours**. However, if Defendant questions Ms. Chota, Plaintiff will be permitted an equal amount of time for follow-up questions thereafter. Further, because Ms. Chota is a former General Motors employee, counsel for Defendant will notify Plaintiff's counsel in writing by **January 22, 2018** whether it can make Ms. Chota available for her deposition without the necessity of a subpoena.
- 2. Kirk Mattana:** The deposition will be limited to **one (1) hour**. However, if Defendant questions Mr. Mattana, Plaintiff will be permitted an equal amount of time for follow-up questions thereafter.

Plaintiff's request to depose **Kim Howe** is **DENIED**.

No additional depositions will be permitted.

Finally, I decline to award fees or costs to either side, as both sides' positions were substantially justified and required rulings from the Court. In

addition, neither party fully prevailed. As such, an award of costs in this matter would neither be appropriate, nor just.

IT IS SO ORDERED.

Dated: January 12, 2018

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

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on January 12, 2018, electronically and/or by U.S. Mail.

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