

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HIGHER EDUCATION LOAN)
AUTHORITY OF THE STATE OF)
MISSOURI,)
)
Plaintiff,)
)
vs.)
)
WELLS FARGO BANK, N.A., et al.,)
)
Defendants.)

No. 4:10-CV-1230-JAR

MEMORANDUM AND ORDER


This matter is before the Court on Thompson Coburn LLP’s Motion to Quash the Subpoena and Notice of Deposition directed to non-party Ms. Sara Kotthoff and for Protective Order [ECF No. 98]. Pursuant to the subpoena issued by Defendants, Ms. Kotthoff’s deposition is presently set for March 29, 2012. In support of its motion, Thompson Coburn argues that a March 29, 2012 deposition of Ms. Kotthoff is premature because Third Party Defendant Depfa Bank, who is not yet participating in discovery in this case, has reserved the right to depose Ms. Kotthoff in the future. After considering the non-party status of Ms. Kotthoff in weighing the burden and expense of subjecting her to two depositions, see Fed.R.Civ.P. 45, the Court will grant the motion in part and enter a protective order prohibiting the deposition of Ms. Kotthoff on March 29, 2012.

Accordingly,

IT IS HEREBY ORDERED that Thompson Coburn LLP’s Motion to Quash the Subpoena Directed to Ms. Sara Kotthoff and for Protective Order [ECF No. 98] is **GRANTED** in part.

IT IS FURTHER ORDERED that Defendants are prohibited from taking the deposition of Ms. Kotthoff on March 29, 2012.

IT IS FURTHER ORDERED that a conference is scheduled for April 2, 2012 at 2:00 p.m. The conference will be held by telephone with Defendants initiating the call. The phone number for Judge Ross's chambers is (314) 244-7560. At the conference, counsel will be expected to discuss rescheduling Ms. Kotthoff's deposition.



JOHN A ROSS
UNITED STATES DISTRICT JUDGE

Dated this 28th day of March, 2012