

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMISON STIRLING, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 ST. LOUIS COUNTY POLICE)
 DEPARTMENT, et al.,)
)
 Defendants.)

No. 4:11CV01932 AGF

MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ motion for an order allowing Defendant Kathryn Mumford to be deposed by telephone. Defendants explain that Mumford now resides in Baltimore, Maryland, and has been employed by the Baltimore Police Department and is awaiting her assignment with the Department. Plaintiff Jamison Stirling opposes the motion. He maintains that Mumford must appear in St. Louis, Missouri, for her deposition by Plaintiffs, contending that observing Mumford in-person is essential to Plaintiffs’ case.

Rule 30(b)(4) of the Federal Rules of Civil Procedure provides that “[t]he parties may stipulate – or the court may on motion order – that a deposition be taken by telephone or other remote means .” Rule 26(c)(1)(B) authorizes a court to issue a protective order specifying the time, place, and method of discovery upon a showing of, inter alia, “undue burden or expense.” “The normal presumption is that a defendant may take a plaintiff’s deposition where the suit was filed, and that a plaintiff may take a

defendant's deposition where the defendant resides." *See Woods v. Wills*, No. 1:03-CV-105 CAS, 2005 WL 5989795, at *4 (E.D. Mo. May 6, 2005) (citing ABA Civil Discovery Standards, § V.16.f. (Aug. 2004)). Here the Court concludes that Mumford shall not be compelled to appear in person in St. Louis, Missouri.

Accordingly,

IT IS HEREBY ORDERED that Defendants' motion (Doc. No. 341) for an order allowing Defendant Kathryn Mumford to be deposed by telephone is **GRANTED** in part and **DENIED** in part. Defendant Mumford shall not be compelled to appear in person for a deposition in St. Louis, Missouri. Plaintiffs may elect to take Mumford's deposition in person in Baltimore, Maryland, or by telephone or videotape.

IT IS FURTHER ORDERED that Plaintiff Jamison Stirling's motion (Doc. No. 343) to strike Defendants' above motion is **DENIED as moot**.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of July, 2014.