

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANAKA HUNTER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-CV-4 ERW
)	
CITY OF SALEM, MISSOURI, et al.,)	
)	
Defendants.)	

MOTION TO QUASH NOTICES OF DEPOSITION

Comes now Plaintiff and moves this Court for entry of an order quashing the notices of depositions of Plaintiff in this case. In support, Plaintiff states:

1. On October 25, 2012, Defendants served upon Plaintiff’s counsel a “Notice to Take Videotaped Deposition” of Plaintiff on November 2, 2012, at 10 a.m. at the offices of Plaintiff’s attorney in St. Louis. A copy is attached as Exhibit A. There had been no previous communications about scheduling a deposition.

2. Plaintiff’s counsel promptly notified Plaintiff of the notice and was informed by Plaintiff that she has been injured and has surgery scheduled for November 2, 2012. Plaintiff’s counsel has confirmed with the office of Plaintiff’s physician that Plaintiff is injured and requires surgery.

3. Plaintiff’s counsel communicated to Defendants’ counsel that Plaintiff has surgery scheduled for November 2, 2012, and suggested that the deposition be scheduled on November 1. The same date, Defendants served an “Amended Notice to Take Videotaped Deposition” on November 1 at the offices of Plaintiff’s attorneys. A copy is attached as Exhibit B.

4. Thereafter, Plaintiff advised her counsel that she has been instructed that she cannot drive to St. Louis before having surgery. (Plaintiff lives in Salem, which is 123 miles from St. Louis.) Plaintiff's counsel has confirmed this fact with the office of Plaintiff's physician.

5. Plaintiff's counsel discussed this problem with Defendants' counsel and the attorneys agreed that the deposition could be moved to Rolla. Plaintiff's physician confirms that travel to Rolla would be possible before surgery. On October 30, 2012, Defendants served a "Second Amended Notice to Take Videotaped Deposition." A copy is attached as Exhibit C.

6. In the time since Defendants agreed to move the location of the deposition and served the Second Amended Notice to Take Videotaped Deposition, Plaintiff's counsel has been, despite repeated attempts, unable to communicate to Plaintiff the new location for the deposition.

7. "A party who wants to depose a person by oral questions must give reasonable written notice to every other party." FED. R. CIV. P. 30(b)(1). As the facts set forth above demonstrate, the notice provided to Plaintiff was not reasonable. Despite good faith efforts of counsel for Plaintiff and counsel for Defendants to accommodate Plaintiff's previously scheduled surgery for the date Defendants choose for a deposition, there is insufficient time to notify Plaintiff of the time and place of the deposition and prepare her for her deposition.

8. Prior to filing this motion, Plaintiff's counsel has notified Defendants' counsel of the foregoing situation and the intent to file this motion.

WHEREFORE Plaintiff respectfully requests this Court enter an Order quashing the notices to take a videotaped deposition of Plaintiff, without prejudice to serving a notice of deposition of Plaintiff with reasonable notice, and allow such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Anthony E. Rothert

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy was made available electronically to all electronic filing participants.

/s/ Anthony E. Rothert