

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE: GEICO GENERAL INSURANCE)
COMPANY,)

Petitioner.)

Case No. 4:13 MC 195 RWS


MEMORANDUM AND ORDER

This matter is before me on Petitioner's motion for perpetuation of testimony through pre-suit depositions under Federal Rule of Civil Procedure 27(a). Rule 27 was drafted to preserve testimony, not to serve as a substitute for general discovery. See Ash v. Cort, 512 F.2d 909, 912 (3d Cir. 1975) (Rule 27 is "available in special circumstances to preserve testimony which could otherwise be lost."). Petitioner speculates that it may be named as a defendant in future federal litigation, but it fails to offer any explanation why the testimony it seeks may be lost if pre-suit discovery is not granted. I am not satisfied that allowing Petitioner to conduct pre-suit depositions may "prevent a failure or delay of justice." Fed. R. Civ. P. 27(a)(3). If and when a suit is filed, Petitioner can simply proceed with discovery as contemplated by Federal Rule of Civil Procedure 26.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion for perpetuation of testimony [#1] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that Petitioner's motion for approval of special process server [#2] is **DENIED** as moot.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 16th day of May, 2013.