

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

ALAN PRESSWOOD, D.C., P.C.,)
individually and on behalf of all other)
similarly situated persons,)

Plaintiff,)

v.)

Case No. 4:17-CV-1977-SNLJ

AMERICAN HOMEPATIENT, INC.,)
and JOHN DOES 1–10)

Defendants.)

MEMORANDUM AND ORDER

This case involves alleged violations of the Telephone Consumer Protection Act (“Act”). It is currently before the Court on plaintiff’s motion to modify the case management order (#28). The motion is ripe and will be granted as explained below.

The parties have been unable to agree on deposition dates for two of defendant’s former employees, Dave Morris and Jessica Riley. Morris was the VP of Information Technology when the alleged violations occurred, while Riley’s computer allegedly instructed the fax program to transmit the 14,972 faxes that plaintiff claims violated the Act. Plaintiff argues the testimony from these witnesses will not be cumulative, and the original Case Management Order (#25) allowed each party to take ten depositions. Because plaintiff has been diligent in trying to schedule these deposition, plaintiff argues that is has shown the good cause necessary to amend certain Case Management Order

deadlines. The Court agrees, and an Amended Case Management Order with amended deadlines will be filed.

Plaintiff also asks this Court to order defendant to provide current contact information—addresses, phone numbers, and emails—for Morris and Riley so plaintiff can issue subpoenas for their depositions. That request is granted.

Finally, plaintiff also asks this Court to order defendant to supply a privilege log to plaintiff at least seven days before the scheduled depositions and to allow plaintiff's expert (Biggerstaff) to attend the depositions by phone. Both requests are granted.

Accordingly,

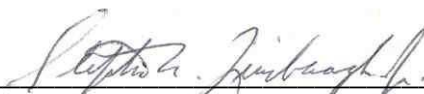
IT IS HEREBY ORDERED that plaintiff's motion to amend the case management order (#28) is **GRANTED**, consistent with the Amended Case Management Order that will be filed.

IT IS FURTHER ORDERED that defendant must provide to plaintiff the current contact information—addresses, phone numbers, and emails—for Morris and Riley.

IT IS FURTHER ORDERED that defendant must provide to plaintiff a privilege log at least seven days before these depositions.

IT IS FURTHER ORDERED that plaintiff's expert, Biggerstaff, may attend these depositions by telephone.

Dated this 1st day of March 2018.



STEPHEN N. LIMBAUGH, JR.

UNITED STATES DISTRICT JUDGE