

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID E. RHODES,)	4:13CV3008
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
CITY OF PHOENIX,)	
)	
Defendant.)	

This matter is before me on the “Plaintiff’s Motion for Protective Order and to Quash Telephonic Deposition Notices of Defendant(s) City of Phoenix et al,” which seeks to prevent a telephonic deposition in a case filed by the plaintiff, David E. Rhodes (“Rhodes”) in the United States District Court for the District of Arizona. (Filing No. [1](#).) *See also Rhodes v. City of Phoenix*, 2:11-cv-01032-SRB (D. Ariz.). “A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending—or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken.” [Fed. R. Civ. P. 26\(c\)\(1\)](#).

Although Rule 26 permits Rhodes to move for a protective order in this court, he simultaneously filed his complaint in this matter and a motion for protective order in the court where the action is pending. (Filing No. [1](#).) *See also* Motion for Protective Order, Motion to Quash Telephonic Deposition Notices, *Rhodes v. City of Phoenix*, 2:11-cv-01032-SRB (D. Ariz. Jan. 8, 2013), ECF No. 118. On January 14, 2013, the United States District Court for the District of Arizona denied the motion for protective order. *See Rhodes v. City of Phoenix*, 2:11-cv-01032-SRB (D. Ariz. Jan. 8, 2013), ECF No. 122. Because the forum court has already ruled on Rhodes’ simultaneously filed motion for protective order, I will defer to that ruling and

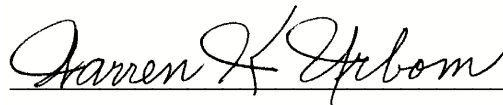
dismiss Rhodes' motion for protective order and to quash telephonic deposition notices of defendant(s) City of Phoenix.¹

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Protective Order and to Quash Telephonic Deposition Notices of Defendant(s) City of Phoenix et al (filing no. 1) is dismissed as moot.
2. A separate judgment will be entered in accordance with this memorandum and order.
3. All pending motions are denied.
4. The clerk of the court shall send a copy of this memorandum and order to the United States District Court for the District of Arizona.

Dated February 19, 2013.

BY THE COURT



Warren K. Urbom
United States Senior District Judge

¹The Advisory Committee's Note to [Rule 26\(c\)](#) (Protective Orders) explains that "[t]he court in the district where the deposition is being taken may, and frequently will, remit the deponent or party to the court where the action is pending."

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