

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROSANNE SCROGGINS, and CHESTER)
WILLIAMS,)

Plaintiffs,)

v.)

C. R. ENGLAND, INC., a Utah corporation,)
and ROBERT J. DALY JR.,)

Defendants.)

7:10CV5004

MEMORANDUM AND ORDER

After reviewing the evidence of record and conferring with the parties, in light of the plaintiff's distance and her neurological injury, the defendant's motion for Leave to Reopen the Deposition of Roseanne Scroggins, (filing no. 149), is granted in part and denied in part as follows:

- 1) The defendant is granted leave to depose the plaintiff on written questions (see Fed. R. Civ. P. 31) regarding the issue of damages, including but not limited to the nature and extent of her injuries and the impact of those injuries on her daily life.
- 2) Counsel for the plaintiff shall serve as the Officer for administering defendant's Rule 31 deposition, and as such, shall comply with all requirements of Rule 31(b)
- 3) The defendant's written questions shall be served on counsel for the plaintiff by May 9, 2012. If the plaintiff objects to any of the questions, her counsel shall initiate a conference call with my chambers on or before noon (CDT) on May 11, 2012. The failure to timely raise an objection by the conference call deadline will be deemed a waiver of any objection that could have been raised.
- 4) The rules and case law applicable to depositions taken under Rule 32 of the Federal Rules of Civil Procedure shall be applicable to any objections raised, plaintiff's refusal to answer, or counsel's comments during the Rule 31 deposition.
- 5) The plaintiff shall sign her Rule 31 deposition responses under oath.
- 6) Plaintiff's counsel shall serve the plaintiff's fully executed Rule 31 deposition responses on defense counsel on or before May 18, 2012.
- 7) In all other respects, defendant's motion to re-depose the plaintiff is denied.

May 3, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge