UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

RICHARD M. CHUDACOFF, M.D.,

Plaintiff,

vs.

UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA, et. al.

Defendants.

2:08-cv-00863-ECR-RJJ

ORDER

This matter came before the Court on Defendants' Motion for Reconsideration of This Court's March 1, 2012, Order (#416). The Court has considered the Motion (#416), Joinder (#427), Plaintiff's Response (#439) and Defendants Reply (#459).

The Defendants have asked the Court to reconsider the Court's Order (#374) filed March 1, 2012. The portion of the Order (#374) being questioned is regarding the taking of Shana Tello's deposition. There is considerable disagreement between the parties regarding how Tello's deposition was set. However, it did proceed without much useful information being provided. The disputes at the time of the deposition escalated to the point that a Magistrate Judge, not assigned to the case, entered the fray in an attempt to assist the parties in the absence of the assigned Magistrate Judge, who was out of the District.

/ / /

Rather than recite and revisit the tortured history of this dispute, the Court will deny the Motion for reconsideration with the following caveats:

1. When noticing a deposition pursuant to Fed. R. Civ. P. 30(b)(6), the noticing party shall not attempt to designate the deponent. The Rule reserves that right to the noticed party.

2. If the Plaintiff seeks the deposition of Shana Tello, he should notice her deposition in accordance with Fed. R. Civ. P. 30(a).

3. The Court will, in a separate order, extend discovery once again to include the matters sought by the Plaintiff, consistent with the earlier order allowing limited discovery. See, Order (#302). Further, although there can be some argument about whether or not Shana Tello falls within the parameters of the Order (#302), the Court specifically authorizes the taking of her deposition in the interest of allowing this case to proceed to trial on the merits.

IT IS THEREFORE ORDERED that Defendants' Motion for Reconsideration of this Court's March 1, 2012, Order (Document 374) is DENIED.

DATED this 28th day of September, 2012.

ROBERT J. JOHNSTON
United States Magistrate Judge