UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

ROSALIND SEARCY,

Plaintiff(s),

V.
ESURANCE INSURANCE COMPANY,
Defendant(s).

Case No. 2:15-cv-00047-APG-NJK ORDER (Docket No. 59)

Pending before the Court is a motion for leave for a second deposition of Plaintiff, filed on an emergency basis. Docket No. 59. The Court ordered a shortened briefing schedule. Docket No. 60. Plaintiff filed a response in opposition, and Defendant filed a reply. Docket Nos. 61, 62. The Court finds the motion properly decided without a hearing, *see* Local Rule 78-2, and hereby **VACATES** the hearing set for March 14, 2016. For the reasons discussed more fully below, the motion is hereby **GRANTED**.

Pursuant to Rule 30(a)(2)(A)(ii), a party must obtain leave of court before deposing a person that has already given a deposition in the case. "The propriety of deposing someone a second time addresses the discretion of the court. The court will generally not require a deponent to appear for a second deposition absent some showing of a need or good reason for doing so." *Cuthbertson v. Excel Indus., Inc.*, 179 F.R.D. 599, 604 (D. Kan. 1998). Good cause for a second deposition may exist when, *inter alia*, new claims or defenses have been added, new parties have been added, or new documents have been produced. *See, e.g., Kress v. Price Waterhouse Coopers*, 2011 WL 5241852, *1 (E.D. Cal. Nov. 1, 2011).

Defendant argues that sufficient justification exists for a second deposition of Plaintiff because she filed an amended complaint after her first deposition that included substantially more factual allegations than were included previously. *See, e.g.*, Docket No. 59 at 3. Plaintiff responds that Defendant was aware of all of these factual issues because they were all discernible from documents in Defendant's possession. Docket No. 61 at 2. Defendant has the better argument. Plaintiff's amended complaint is substantially more detailed than her initial complaint, and the addition of these new allegations into the operative pleading is sufficient cause in this case to allow a second deposition of Plaintiff.

Accordingly, for good cause shown, the motion for leave for a second deposition of Plaintiff is

GRANTED.

IT IS SO ORDERED.

DATED: March 8, 2016

Nancy J. Koppe United States Magistrate Judge