

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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COLUMBUS IT PARTNER USA, INC.,

Plaintiff,

-against-

WENNER BREAD PRODUCTS, INC.,  
and DOES 1 through 50, inclusive,

Defendant.

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**LINDSAY, Magistrate Judge**

Before the court is the defendant/counter-claimant Wenner's motion seeking to compel the attendance of a corporate representative of the counterclaim defendant, Columbus IT Partner A/S at a deposition. Wenner contends that despite proper and adequate notice of the deposition, Columbus refuses to identify a corporate representative. However, it is clear from Columbus' opposition that they have not refused to produce the representative; rather the parties, as has been the case throughout discovery, can not agree on a date for the deposition.

On December 12<sup>th</sup>, the undersigned so ordered agreed upon dates for the completion of thirteen depositions between January 16, 2008 and February 7, 2008. Given the existing deposition schedule and the fact that the corporate representative will come in from Denmark, the court believes that Columbus A/S' suggestion that parties be given additional time to take this deposition is reasonable. Counsel for Columbus A/S shall provide Wenner with alternative dates for the deposition. The parties are directed to notify the court when a mutually agreed upon date has been chosen. The deposition should take place no later than March 7, 2008. Upon receipt of the parties' letter, the court will make appropriate adjustments to the scheduling order.

Dated: Central Islip, New York  
February 4, 2008

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge