

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:10-CV-00472-KDB**

THOMAS L. MASON, ET AL.,

Plaintiffs,

v.

**HEALTH MANAGEMENT
ASSOCIATES, LLC, ET AL.,**

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte* to reconsider its Order granting Plaintiffs' Motion to Reconvene the deposition of Gregory D. Lowe, Doc. No. 310, in light of Mr. Lowe's response in opposition. *See* Doc. Nos. 314, 315. Having fully considered the Motion and both Defendants' and Lowe's response, the Court amends its earlier Order to again grant the Motion in part. Plaintiffs are permitted to reconvene Lowe's deposition for up to ninety (90) minutes of questioning by Plaintiff's counsel. Defendants' counsel and Lowe's counsel may also question the witness for a reasonable length of time (not to exceed 30 minutes each). Additionally, Plaintiffs are required to provide to Lowe a copy of any exhibit or document they intend to show him at least three days prior to the date of the deposition. The Court will deny Plaintiffs' and Lowe's Motion as to an award of attorneys' fees and costs related to this Motion and the reconvening of the deposition.¹

¹ The Court has entered this Order prior to the potential filing of further responsive briefing to close this issue and permit the parties to move forward with scheduling the reconvened deposition. In doing so, the Court has primarily relied on its independent review of the full deposition transcript in finding good cause to reconvene the deposition for a limited period of time and

SO ORDERED

Signed: November 22,



Kenneth D. Bell
United States District Judge



therefore no further briefing is needed. Moreover, the Court has assumed that Plaintiffs would challenge Lowe's characterization of Plaintiffs' counsel's behavior at the deposition and accordingly has not relied on that argument in reaching its decision.