

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Kimson Chan, as Personal Representative)
of Casey Jasper Chan, deceased,)
)
Plaintiff,)
)
vs.)
)
Mercy Medical Center, a North Dakota)
corporation, and Jordan Lee Bales, MD,)
)
Defendants.)

ORDER

Case No. 1-16-cv-88

Before the court is a Motion for Leave to Take Video Trial Deposition filed by Defendant Jordan Lee Bales, MD. (Doc. No. 11). The court’s prior scheduling order dictates that depositions “taken for presentation at trial shall be completed 30 days before trial.” (Doc. No. 7). The current motion seeks relief from this 30 day deadline so as to allow Bales to take a video deposition of his expert witness on either February 13, 2018, or February 21, 2018. Bales represents this leave is necessary because of issues with the availability of this witness. Defendant Mercy Medical Center does not oppose this motion, but Plaintiff Kimson Chan opposes the motion. (Doc. No. 13).

Trial in this matter is currently set for March 6, 2018. Given the realities of Chief Judge Hovland’s docket, this case will not go to trial on that date and the court is in the process of reassigning this case to a judge from outside the district. Because of that, the court **CANCELS** the trial set for March 6, 2018, and the final pretrial conference set for February 20, 2018. The new judge to whom the case is assigned will reset both for later dates. With that order, the court concludes the Motion for Leave to Take Video Trial Deposition (Doc. No. 11) is **MOOT**. The parties may take the video deposition at an agreeable time.

IT IS SO ORDERED.

Dated this 30th day of January, 2018.

/s/ Charles S. Miller, Jr. _____
Charles S. Miller, Jr., Magistrate Judge
United States District Court