

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BATAVIA WOODS, LLC,
Plaintiff,

Case No. 1:13-cv-696
Spiegel, J.
Litkovitz, M.J.

vs.


JANE WAINWRIGHT, *et al.*,
Defendants.

ORDER

This matter is before the Court on defendant Charles Gang's motion to attend the deposition of co-defendant Joan Woods and to ask questions. (Doc. 71). Defendant Woods' deposition is set to proceed on January 10, 2014. *See* Doc. 66. Absent a motion from plaintiff or a co-defendant to exclude defendant Gang from attending this or any other deposition,¹ he is entitled to fully participate in all depositions noticed by any and all parties in this matter and does not require Court permission to do so. *Cf. Beacon v. R.M. Jones Apartment Rentals*, 79 F.R.D. 141 (N.D. Ohio 1978) (granting plaintiff's motion for a protective order to exclude defendant and witness from attending the other's depositions where good cause was shown for the exclusion). Accordingly, defendant Gang's motion (Doc. 71) is **DENIED** as moot.

IT IS SO ORDERED.

12/12/13
Date


Karen L. Litkovitz
United States Magistrate Judge

¹ Federal Rule of Civil Procedure 26(c)(1)(E) provides that “[a] party or person from whom discovery is sought may move for a protective order [and t]he Court may, for good caused, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including . . . designating the persons who may be present while the discovery is conducted . . .” Fed. R. Civ. P. 26(c)(1)(E).