

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Kaid C. Musgrave, <i>et al.</i> ,	:	
Plaintiffs	:	Civil Action 2:09-cv-01029
v.	:	Judge Frost
Breg, Inc., <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants	:	

**ORDER**

On March 26, 2010, plaintiffs filed an emergency motion to compel defendant LMA North America to go forward with a Rule 30(b)(6) deposition plaintiffs' counsel noticed for Thursday April 1, 2010 at 9:00 PST in San Diego, California, defendant's place of business (doc. 41).

As defense counsel are aware, a party cannot refuse to go forward with a deposition. If defendant wants a protective order that a deposition not go forward, it must timely move for the protective order and obtain it before the date of the deposition. Here the deposition notice was served on March 18, 2010 (doc. 41-2, pp. 4-7). It appears that defendant has waited for over a week without moving for a protective order. If defendant believes it has grounds for a protective order, defendant's counsel must call my office (614.719.3370) no later than 1:00 p.m., E.D.T., Monday, March 29, 2010 to schedule a telephone conference with opposing counsel and me for that afternoon.

s/Mark R. Abel  
United States Magistrate Judge