

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ANTHONY SCOTT, et al.,

Plaintiff,

:

Case No. 3:09-cv-147

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

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THOMAS AND KING, INC., etc.,

Defendant.

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**DECISION AND ORDER ON MOTION TO RECONSIDER ORDER TAKE  
DEPOSITIONS BY TELEPHONE**

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On Motion of the Defendant for Reconsideration and for good cause shown, to wit, Mr. Scanlon’s willingness to come to Dayton, Ohio, to be deposed so that the deposition can be conducted face-to-face, the Court finds that the basis of its Order permitting him to be deposed by telephone has ceased to exist. It is accordingly ordered that the Scanlon deposition be conducted at the office of Plaintiff’s counsel in Dayton, Ohio, on March 24, 2010, commencing at 4:00 p.m. and continuing for not more than two hours. This Order is entered after a telephonic hearing on March 11, 2010, in which Mr. Greene, Ms. Colbert, and Ms. Russell participated.

March 12, 2010.

s/ **Michael R. Merz**  
United States Magistrate Judge