

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

ELIZABETH HILL,

Plaintiff,

vs.

PHILLIPS 66 COMPANY,

Defendant.

Case No.14-CV-102-JED-FHM

OPINION AND ORDER

Plaintiff's Motion to Re-Open Discovery for a Limited Purpose, [Dkt. 99], is before the court. The matter has been fully briefed, [Dkt. 99,103,106], and is ripe for decision.

Plaintiff seeks to re-open discovery for the limited purpose of taking a trial deposition of her husband, John Hill, to preserve his complete testimony to be used in the trial of this matter. On Defendant's motion, the trial date was recently continued from the week of June 20, 2016 to the week of August 15, 2016. Mr. Hill is expected to be deployed on military duty at the time of the continued trial date and will therefore be unavailable to testify at trial. Plaintiff represents that the discovery deposition of Mr. Hill taken by Defendant is not sufficient for his trial testimony.

Defendant objects to Plaintiff's request, arguing that Plaintiff knew of the possibility of Mr. Hill's deployment and that Plaintiff should have asked questions during the discovery deposition to preserve the testimony. Defendant points out that discovery ended 16 months ago and claims that the request is therefore untimely. Defendant also asserts prejudice in that Defendant would have to expend additional resources to prepare for and participate in the deposition.

The court finds that Plaintiff's request is reasonable. The court is not convinced that Defendant will suffer undue prejudice as the trial date was moved on Defendant's request and Defendant would have to spend time in preparation for Mr. Hill's trial testimony if he were not deployed.

Plaintiff's Motion to Re-Open Discovery for a Limited Purpose, [Dkt. 99], is GRANTED.

SO ORDERED this 21st day of June, 2016.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE