

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

RONG L. LILLIEROOS,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-12-1359-D
)	
STARR INDEMNITY & LIABILITY)	
COMPANY,)	
)	
Defendant/Third-Party Plaintiff,)	
)	
vs.)	
)	
COORDINATED BENEFIT PLANS, INC.,)	
)	
Third-Party Defendant.)	

ORDER

On November 13, 2013, Third-Party Defendant Coordinated Benefit Plans, Inc. (“CBP”) filed a motion [Doc. No. 71] to strike certain deposition notices filed by Plaintiff on October 17, 2013 [Doc. Nos. 62 and 63]. Both notices precede the filing of the Third-Party Complaint against CBP. By separate motion [Doc. No. 72], CBP seeks an expedited ruling and hearing on its motion to strike.

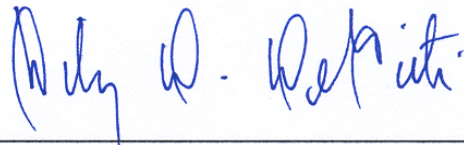
The first deposition notice [Doc. No. 62] schedules a November 21, 2013 deposition in Philadelphia, Pennsylvania of designated representatives of Defendant Starr Indemnity & Liability Company (“Starr”), pursuant to Fed. R. Civ. P. 30(b)(6). The second notice schedules the deposition of Larry Feathers, a Starr witness in Philadelphia on November 21. CBP asks that the depositions be stricken because it believes the anticipated testimony is important to its defense to the claims asserted against it by Starr, its time to file an answer has not yet expired, it has not participated in prior discovery between Starr and Plaintiff, and it does not have adequate time in which to prepare

for the depositions.

In its motion to strike, CBP states that it attempted to contact Plaintiff's counsel to determine if Plaintiff opposes the request, but it was unable to communicate with him prior to filing the motion. It states that Starr's counsel deferred to Plaintiff's counsel with regard to whether the depositions may be rescheduled.

Because Plaintiff's position regarding CBP's request to strike the scheduled depositions is unknown at this time, the Court directs Plaintiff to file a response to the motion to strike no later than Noon on Monday, November 18, 2013. It appears to the Court that this matter should be capable of resolution through the good faith efforts of the parties.¹ Accordingly, the parties are directed to confer and attempt to resolve the issue and file a joint report regarding that effort no later than Noon on November 18. If the parties resolve the issue, CBP is directed to file a notice withdrawing its motions. If they are unable to reach a resolution, they must so advise the Court in their joint report, and the Court will then determine whether a hearing is required.

IT IS SO ORDERED this 15th day of November, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹The record in this case reflects Plaintiff's previous difficulty in obtaining dates for depositions of certain Starr witnesses, and previous discovery disputes reflect these and other issues. However, CBP was not a party at the time.