

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEPHEN K. BIEBER and KAREN BIEBER,	:	CIVIL ACTION NO. 1:10-CV-0718
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
DAVID J. NACE and EASTERN INDUSTRIES, INC.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 4th day of April, 2012, upon consideration of the motion for reimbursement of expenses and counsel fees pursuant to Local Rule 30.12 (Doc. 73), filed by defendant Eastern Industries, Inc. (“EII”), wherein EII requests reimbursement from plaintiffs of \$3,306.80 in expenses and counsel fees associated with attending the trial depositions of plaintiffs’ experts Francis X. Camillo, M.D. and Edward A. Perez, M.D., in Memphis, Tennessee on January 3, 2012, and upon further consideration of the response thereto (Doc. 93), wherein plaintiffs assert that the Local Rule is discretionary and does not require an award of expenses and counsel fees and, moreover, the requested expenses and counsel fees are not reasonable,¹ and it appearing that pursuant to Local Rule 30.12, for any oral deposition, including a videotape deposition, taken outside the Middle District of

¹ Plaintiffs further argue that any costs incurred by EII should be offset by expenses Mr. Bieber incurred for his travel to Pittsburgh for an examination by EII’s expert witness. (See Doc. 93, at 6 n.2).

Pennsylvania, “a party may apply to the court for an order requiring the party requesting the deposition to pay the opposing party reasonable expenses and counsel fees incident thereto,” see L.R. 30.12, and the court finding that the court may but need not order the reimbursement of expenses and costs, and the court concluding that in the instant matter it is fair and equitable that the parties bear their own expenses related to the depositions, it is hereby ORDERED that the motion for reimbursement of expenses and counsel fees pursuant to Local Rule 30.12 (Doc. 73) filed by Eastern Industries, Inc. is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge