

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BRITTNEY GOBBLE PHOTOGRAPHY, LLC,)
)
Plaintiff,)
)
v.)
)
WENN LIMITED, and USA ENTERTAINMENT)
NEWS, INC., d/b/a/ "WENN" and "WORLD)
ENTERTAINMENT NEWS NETWORK,")
)
Defendants.)
)

No. 3:16-CV-306-HSM-DCP

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), the Rules of this Court, and Standing Order 13-02.

The parties appeared telephonically before the Court on March 9, 2018, over a discovery dispute. Attorney Dale Quisenberry appeared on behalf of Plaintiff. Lloyd Beiny was also present. By way of background, the Court held a telephonic conference on January 24, 2018. During the January 24 conference, the parties agreed to work together to arrange the depositions of Matthew Walker, Jonny Forsyth, and Hayley Chamberlain. Beiny stated that he would discuss with Clare Penn her availability for a telephonic deposition but that she does not work for Defendants. In addition, the Court ordered Beiny to (1) respond to the outstanding discovery requests, (2) submit the follow-up information requested during his deposition, and (3) provide all existing customer agreements from the customers who received the subject images from Defendants. *See* [Doc. 77].

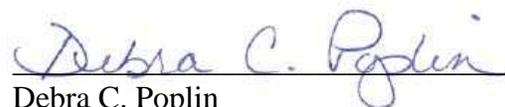
During the March 9 telephonic conference, Plaintiff submitted that Beiny did not produce any of the above documents and that the only deposition that had been taken was Matthew

Walker's deposition. Beiny responded that he has been involved in other matters and has not had time to produce the documents. In addition, he stated that the two individuals who have not been deposed, Jonny Forsyth and Hayley Chamberlain, are no longer Defendants' employees and that he cannot compel them to a deposition. Beiny maintained that Clare Penn is not employed by Defendants.

Accordingly, the Court finds that Beiny has until **March 14, 2018**, to produce the above items and provide Plaintiff with written confirmation as to whether Defendants' former employees, Jonny Forsyth and Hayley Chamberlain, will agree to a deposition. If Beiny fails to produce the items and/or provide written confirmation to Plaintiff regarding the depositions, Plaintiff may file the appropriate motions with the Court. The Court has held several discovery conferences with these parties in an attempt to help this case proceed to trial. Despite the Court's efforts, these issues have not been resolved, and the Court finds it more appropriate to address the issues through formal motion practice.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge