

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BRITTANY BARNES,	)	
	)	
Plaintiff	)	
	)	No. 3:09-0764
v.	)	Judge Nixon/Brown
	)	Jury Demand
CUS NASHVILLE, LLC	)	
d/b/a COYOTE UGLY SALOON,	)	
	)	
Defendant	)	

O R D E R

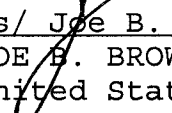
Presently pending is the Defendant's Motion in Limine No. 1 (Docket Entry 66). It does not appear that the Plaintiff has filed anything in opposition to this motion and accordingly the Magistrate Judge will take the motion as unopposed. It is, therefore, **GRANTED**.

From the Defendant's pleading it appears that the Plaintiff agreed to allow Dr. Bryant's testimony to be done by deposition.

As a matter of law the Magistrate Judge is not sure that T.C.A. § 24-9-101 exempts physicians from federal court subpoenas. This appears to be more of a procedural rule and, therefore, physicians may well not have the same privileges in federal court and under federal procedure as they do under state law and state court proceedings. However, given the lack of opposition and the apparent agreement of Plaintiff to such a deposition, the Magistrate Judge needs not reach that issue. The Magistrate Judge by this ruling does not preclude the Plaintiff from attempting to

subpoena Dr. Bryant at Plaintiff's cost for cross-examination, as that issue has not been raised.

It is so ORDERED.

  
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/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge