

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MATTHEW GILMER, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 T. R. FRANKLIN, INC. d/b/a TIN )  
 ROOF II or TIN ROOF 2, JASON )  
 SHEER, KYLE MCPHEE, GREG )  
 ROMINE, LARSEN MCCOLL PARTNERS, )  
 L.P., SMW CAROTHERS, LLC, NDG )  
 CAROTHERS, LLC, NDG PROPERTIES, )  
 INC., GREGORY HANSON, STEWART )  
 CROSS, JOSHUA EDWARDS, and )  
 IAN HERRIN, )  
 )  
 Defendants )

Case No. 3:10-0969  
 Judge Campbell/Brown  
**Jury Demand**

O R D E R

A telephone conference was held with the parties in this matter on February 8, 2012. The issue involves a deposition being taken of the law school where the Plaintiff is enrolled as a student. The original subpoenas setting the deposition were issued from the Northern District of Mississippi, rather than the Southern District of Mississippi where the law school is located. It is the Magistrate Judge's understanding that a subpoena has now been reissued from the Southern District of Mississippi. The law school, however, had concerns that under federal law the student had 10 days to object to a subpoena before the school could comply since it involved his records.

The Magistrate Judge understands that attorneys for the Plaintiff who is the student in question are agreeable to waive any such waiting period and to proceed with the deposition. The parties have stated that they will prepare an agreed protective order concerning the material released so that it will only be used in connection with this litigation. The Magistrate Judge will approve any such protective order.

The Magistrate Judge hopes that this will resolve the issue. Any formal motion to quash or to enforce would have to be ruled on by the issuing Court. However, it appears that the parties are in the process of working the matter out so that the deposition can continue, particularly since all the parties have traveled to Jackson, Mississippi to complete the deposition.

It is so **ORDERED**.

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