

companies to whom plaintiff sold mosquito control products during the relevant time period, and information regarding sales to those companies would be relevant to issues involving plaintiff's claim that it had an exclusive distributorship agreement with defendants.

Plaintiff opposes the motion arguing that defendants haven't yet exhausted the 10 deposition limit and therefore the motion is premature, and further that the discovery would be cumulative of information already disclosed through plaintiff's document production – specifically records of plaintiff's sales activities from 2004 to 2008.

Rule 30(a)(2)(A)(i) provides that leave should be granted to the extent consistent with Rule 26(b)(2). The latter rule directs the court to limit discovery which is cumulative or duplicative. Defendants did not reply to plaintiff's response and explain how the depositions on written questions directed to the seven companies would provide additional information not otherwise available through the sales documents already provided by plaintiff. Without that showing, the court cannot find that defendants have justified expansion of the presumptive deposition limit of Rule 30 by omitting the Rule 31 depositions from that total.

Accordingly, the motion for leave is ORDERED DENIED.

SIGNED on October 27, 2011.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE