

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

RICHARD G. VERRI :
 :
 v. : C.A. No. 11-560ML
 :
 UNITED STATES LIFE INSURANCE :
 COMPANY a/k/a AMERICAN :
 GENERAL LIFE COMPANIES, LLC., :
 et al. :

MEMORANDUM AND ORDER

Defendant United States Life Insurance Company (“USLIC”) has moved to compel Plaintiff to provide dates and to appear for his continued deposition, and for additional time to conduct the deposition pursuant to Fed. R. Civ. P. 30(d)(1). (Document No. 29). The Motion has been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); LR Cv 72(a).

Plaintiff’s deposition was conducted in Providence, Rhode Island on February 27, 2013. The deposition lasted for roughly six hours, inclusive of breaks, and was suspended after Plaintiff testified for the first time that he was asserting tort-based claims in his Complaint and that he sought damages for “severe and emotional distress.” (Document No. 31 at p. 3). Because these allegations were not previously disclosed through discovery, Defendant’s counsel suspended the deposition with the understanding that the parties would exchange supplemental discovery as to the newly disclosed claims. Id. The parties have since exchanged supplemental discovery but have been unable to agree to a date certain for the continuation of Plaintiff’s deposition. Additionally, Defendant’s counsel has proposed that Plaintiff’s deposition take place in Phoenix, Arizona, where he now resides, at the same time that the deposition of his wife and current employer are conducted. Defendant’s counsel has also requested an additional three hours to complete the deposition.

Plaintiff filed an Objection, requesting that the deposition be held via video conference, with

counsel for both parties remaining in Rhode Island. Plaintiff's Objection did not address the request for additional time, nor did it address his availability for the continuation of the deposition. Fact discovery is set to close on August 16, 2013, and has been previously extended numerous times. In an effort to move the case towards completion of discovery, I GRANT Defendant's Motion and ORDER counsel for Plaintiff to provide, no later than July 5, 2013, a list of dates to Defendant's counsel when his client is available for the continued deposition. For purposes of efficiency, Plaintiff's deposition shall be conducted in Arizona, and Defendant's counsel shall have an additional three hours to complete Plaintiff's deposition. Finally, the parties shall cooperate in good faith to coordinate the scheduling of Plaintiff's continued deposition with the depositions of Plaintiff's spouse and his current employer.

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
June 26, 2013