

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

TEXTRON FINANCIAL :
CORPORATION :
 :
v. : C.A. No. 09-085S
 :
OAKBORO TRACTOR AND :
EQUIPMENT, et al. :

MEMORANDUM AND ORDER

Pending before the Court for determination (28 U.S.C. § 636(b)(1)(A); LR Cv 72) is Plaintiff's Motion to Compel Deposition of Joel Thomas. (Document No. 58).¹ Defendants Object. (Document No. 59). An expedited hearing was held on December 3, 2010.

After reviewing and considering the parties' submissions, the arguments of counsel and the transcript of Mr. Thomas' deposition of November 9, 2010 which was abbreviated due to illness, Plaintiff's Motion to Compel is GRANTED in part and DENIED in part as follows:

1. Plaintiff's request for an order estopping Defendants from challenging the reliability of Mr. Thomas' deposition testimony given on November 9, 2010 is DENIED.
2. If Mr. Thomas' counsel provides a document to Plaintiff's counsel by 3:00 p.m. on December 6, 2010 which specifically identifies the responses, if any, given by Mr. Thomas in his November 9, 2010 deposition which are inaccurate, Mr. Thomas' reconvened deposition shall be limited to a total of 7.5 hours on one day.

¹ This Order also disposes of Document No. 53 in Textron v. Two Rivers, C.A. No. 09 061S; Document No. 45 in Textron v. Freeman, C.A. No. 09 087S and Document No. 46 in Textron v. Meranda, C.A. No. 09 088S.

3. If Mr. Thomas' counsel does not provide such document to Plaintiff's counsel, Mr. Thomas' reconvened deposition shall be limited to a total of 12.5 hours over two consecutive days as originally ordered.

SO ORDERED

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
December 3, 2010