

**In the United States District Court
for the
Western District of Texas**

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|------------------------|---|----------------------------------|
| SHANNON PEREZ, ET AL. | § | |
| | § | |
| v. | § | SA-11-CV-360-OLG, JES, XR |
| | § | consolidated with |
| STATE OF TEXAS, ET AL. | § | SA-11-CV-361, SA-11-CV-490, SA- |
| | § | 11-CV-592, SA-11-CV-615, and SA- |
| | § | 11-CV-635 |

ORDER

On this day came on to be considered the Perez Plaintiffs' motion for protective order (doc. no. 124). Plaintiffs complain that the State Defendants issued 52 notices of oral depositions on Friday, August 5, 2011.¹ The depositions are scheduled to begin August 10. Plaintiffs allege that Defendants did not obtain leave of court, as required by Fed. R. Civ. P. 30(2), for this number of depositions. They further complain that Defendants did not provide 14 days notice of deposition, and did not confer about the proposed depositions. In addition, they complain that the deposition notices require plaintiffs to appear in Austin, Texas, but none of the plaintiffs live in Austin and it is unreasonable and financially burdensome to expect them to appear in Austin for deposition.

The Court grants the motion. The 52 deposition notices are quashed. It

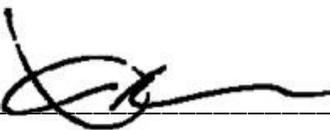
¹ The notices of depositions were allegedly received at the opening of the business day, August 8, 2011.

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is ordered that counsel for Defendants confer with Plaintiffs' counsel regarding the date, place, number and time of any future depositions to be noticed. Given the trial date, however, counsel should note the following: Unreasonably cumulative depositions should be avoided. Leave to take more than ten depositions is granted, but should not be abused by any party. Unless otherwise agreed, parties should give reasonable notice of at least five business days prior to any deposition. Unless otherwise agreed, the deposition of any witness should take place where the witness resides.

It is so ORDERED.

SIGNED this 9th day of August, 2011.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE