

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SCHMID PIPELINE CONSTRUCTION, INC.,)
)
 Plaintiff)
)
 v.) 1:13-cv-464-GZS
)
 SUMMIT NATURAL GAS OF MAINE, INC.,)
)
)
 Defendant)

**ORDER ON MOTION FOR APPROVAL
OF RULE 30(b)(6) DEPOSITION**

This matter is before the Court on Defendant’s motion for approval to conduct the corporate deposition of Plaintiff in accordance with Fed. R. Civ. P. 30(b)(6). Defendant filed the motion in accordance with the Court’s directive in its November 13, 2014, Order. (ECF No. 48.)

Through its motion, Defendant seeks to depose Plaintiff’s corporate representative on four separate subject areas. Plaintiff maintains that Defendant has already deposed three corporate officers, and has covered the subject areas identified in Defendant’s motion. Plaintiff, therefore, objects to Defendant’s request to take the corporate deposition.

Although Plaintiff will likely produce for the corporate deposition one or more of the individuals whom Defendant has deposed, that fact alone is not dispositive. That is, the mere fact that certain corporate officers might have been deposed due to their personal involvement in the circumstances that gave rise to this case does not preclude Defendant from conducting a corporate deposition. In addition, while some of the subject areas could have been addressed in part in the prior depositions, the Court is not convinced that the four designated areas were the focus of the

depositions. The Court cannot conclude, therefore, that the corporate deposition would necessarily result in duplicative testimony. Accordingly, the Court grants Defendant's motion. Plaintiff may conduct the deposition of Plaintiff, in accordance with Fed. R. Civ. P. 30(b)(6), on the subject areas designated in Plaintiff's motion.

CERTIFICATE

Any objections to this Order shall be filed in accordance with Fed. R. Civ. P. 72.

So Ordered.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 23rd day of December, 2014.

SCHMID PIPELINE CONSTRUCTION INC v.
SUMMIT NATURAL GAS OF MAINE INC
Assigned to: JUDGE GEORGE Z. SINGAL
Referred to: MAGISTRATE JUDGE JOHN C.
NIVISON
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 12/18/2013
Jury Demand: None
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

**SCHMID PIPELINE
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V.

Defendant

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Counter Claimant

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V.

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