

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**JOHN DOE, a Minor,
THROUGH NEXT FRIEND,
BOB DOE,**

Plaintiff,

v.

THE DISTRICT OF COLUMBIA *et al.*,

Defendants.

Civil Action No. 03-1789 (GK/JMF)

MEMORANDUM ORDER

This order is issued in response to Plaintiff's Partial Consent Motion to Permit the Deposition of Dr. Floyd Galler [#171]. For the reasons stated herein, it is, hereby, **ORDERED** that the motion is **GRANTED**.

I. BACKGROUND

Plaintiff seeks leave to depose a fact witness, Dr. Floyd Galler, who was not originally named as a potential deponent, after the close of discovery. The only party to withhold full consent is defendant District of Columbia, which has raised two objections. First, the District of Columbia objects to the taking of Dr. Galler's deposition, if it would exceed the number of depositions plaintiff has been allotted. Second, the District of Columbia objects to the timing of Dr. Galler's deposition, if it would take place outside the discovery period, set to close June 1, 2005.

II. DISCUSSION

First, because plaintiff reasonably believed that he needed more than the ten (10)

depositions allowed by Federal Rule of Civil Procedure 30(a)(2)(A), this court granted plaintiff leave to take up to seventeen (17) depositions in this case. Minute Order Granting Plaintiff's Motion Requesting Additional Depositions, Nov. 15, 2004. Although the two parties disagree as to the number of depositions plaintiff has already taken, even assuming the District of Columbia's higher number, Dr. Galler's deposition will not cause plaintiff to exceed the court-granted allotment.

Second, with the exception of the District of Columbia, no party in this case has objected to plaintiff's taking Dr. Galler's deposition, regardless of when it is taken. In addition, the parties have consented to the taking of other depositions beyond the discovery period. Given plaintiff's request to the court and the impossibility of taking Dr. Galler's deposition before the close of discovery, this court will allow the deposition to be taken, as long as it is completed by June 30, 2005.

Finally, this court extends the deadline for discovery to June 30, 2005, but solely for the purposes of completing Dr. Galler's deposition as well as any other depositions that have already been duly noticed.

SO ORDERED.

Dated:

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE