

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

FRANKLIN HEUSSER, SR., et al.,

Plaintiffs,

v.

KEVIN J. HALE, et al.,

Defendants.

3:07-cv-1660 (CSH)

RULING ON MOTION FOR PROTECTIVE ORDER AND MOTION TO COMPEL

HAIGHT, Senior District Judge:

Now pending is Plaintiffs' motion pursuant to Federal Rule of Civil Procedure 26(c) for a protective order [Doc. 56], which is **DENIED**. On October 12, 2009, Plaintiffs filed a motion for a protective order with respect to Defendants' deposition of Plaintiffs, which had been noticed for October 13, 2009. Plaintiffs contend that traveling to Stamford, Connecticut to be deposed constitutes an undue burden on them. Plaintiffs request that the court order that the depositions instead take place in one of several other locations suggested by Plaintiffs, including in Danbury, Waterbury, Ansonia, and Stratford, all of which are other towns in Connecticut, and none of which is particularly far from Stamford. Because Plaintiffs' motion for a protective order is unreasonable, has no basis in law, and is untimely, it is denied. Defendants report in their opposition that, in light of the motion for a protective order, they have re-noticed the deposition of Plaintiffs for **October 21, 2009** at 11 AM in Stamford, a date that Plaintiffs indicated in their motion would be acceptable to them. The Court orders Plaintiffs to attend that deposition as noticed.

Also pending is Defendants' motion pursuant to Federal Rule of Civil Procedure

37(a)(3)(B) to compel Plaintiffs to respond to Defendants' Interrogatories and Requests for Production dated April 14, 2009. Defendants state that they need Plaintiffs' discovery responses in order to prepare for the depositions now scheduled for October 21, 2009. Plaintiffs contend that the motion to compel should be denied as moot because the responses "will be sent via expedited mail today, October 13, 2009." In the interest of ensuring that Defendants have the responses prior to the October 21, 2009 depositions, the Motion to Compel [Doc. 55] is **GRANTED**, and Plaintiffs are ordered to convey the responses to Defendants so that they are received by Defendants no later than **October 15, 2009**.

It is SO ORDERED.

Dated: New Haven, Connecticut

October 13, 2009

/s/ Charles S. Haight, Jr. _____
Charles S. Haight, Jr.
Senior United States District Judge