

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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MAGELLAN HEALTH SERVICES, INC.	:	3:12 CV 1250 (JBA)
	:	
V.	:	
	:	
CDMI, LLC ET AL.	:	DATE: NOVEMBER 7, 2013
-----X	:	

RULING ON NUMBER OF DEPOSITIONS

The factual and procedural history behind this litigation has been set forth in considerable detail in this Magistrate Judge's previous discovery rulings and orders (Dkts. ##61, 66, 68, 81), familiarity with which is presumed. Under the latest Scheduling Order, October 9, 2013 (Dkt. #81), all depositions of fact witnesses are to be completed by January 3, 2014, all discovery is to be completed by March 28, 2014, and all dispositive motions are to be filed by April 18, 2014. On April 16, 2013, Judge Arterton referred the file to this Magistrate Judge to supervise discovery. (Dkt. #54; see also Dkts. ##53, 80).

On October 30, 2013, defense counsel forwarded a letter to this Magistrate Judge regarding fact depositions, as to which plaintiff's counsel replied on November 4, 2013; a telephonic discovery conference was held on November 6, 2013. (Dkts. ##82-83).¹ As set forth in the two letters and during the telephone conference, as of the present, plaintiff intends to take three or four depositions of defendants or their representatives, and has sent out subpoenas and Notices of Deposition to fifteen third-parties, which defendants contend violates the ten deposition limit of FED. R. CIV. P. 30(a)(2)(A)(i), is disruptive to defendants'

¹If any party files an Objection to this discovery ruling, then the two letters will be docketed on CM/ECF.

business with their customers, and supports defendants' counterclaims against plaintiff. In his letter, plaintiff's counsel explained that plaintiff does not intend to depose all these third parties and suggested a sixteen deposition limit; during the telephone conference, he represented that he is in the process of reviewing the documents produced by the third parties to date and it is "most likely" that he would take nine to twelve depositions, but wished to reserve the opportunity to take sixteen depositions in total. Defendants maintain that there is no reason to exceed the ten deposition limit.

Because third party discovery is apparently crucial to both plaintiff's claims and defendants' counterclaims, this is an appropriate case in which to permit more than ten depositions. As indicated at the conclusion of the telephonic discovery conference, each side is allowed to take no more than twelve depositions, without prejudice to either side seeking an additional four depositions for good cause shown.

This is not a Recommended Ruling, but a ruling on a non-dispositive motion, the standard of review of which is specified in 28 U.S.C. § 636; FED. R. CIV. P. 6(a), 6(e) & 72; and Rule 72.2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the District Judge upon timely made objection.

See 28 U.S.C. § 636(b)(**written objections to ruling must be filed within fourteen calendar days after service of same**); FED. R. CIV. P. 6(a), 6(e) & 72; Rule 72.2 of the Local Rules for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary, H&HS, 892 F.2d. 15, 16 (2d Cir. 1989)(failure to file timely objection to Magistrate Judge's recommended ruling may preclude further appeal to Second Circuit).²

²If either counsel believes that a continued settlement conference, either before the Special Master (see Dkts. ##49, 71, 78) or this Magistrate Judge, would be productive, he should contact

Dated at New Haven, Connecticut, this 7th day of November, 2013.

/s/ Joan G. Margolis, USMJ
Joan Glazer Margolis
United States Magistrate Judge

Chambers accordingly.