

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

TMI TRUST COMPANY, solely in its
capacity as Separate Trustee of the
Securitized Asset Backed Receivables LLC
Trust 2006-WM2,

Plaintiff,

v.

WMC MORTGAGE, LLC f/k/a WMC
MORTGAGE CORP.,

Defendant.

Civil Action No.
3:12-cv-1538 (CSH)

December 28, 2017

RULING WITH RESPECT TO IAN MITCHELL, A WITNESS

HAIGHT, Senior District Judge:

Plaintiff's Emergency Motion [Doc. 250] "with respect to WMC's New Witness, Ian Mitchell" will be GRANTED IN PART and DENIED IN PART. This Ruling modifies the Court's prior Electronic Order [Doc. 251] regarding the same Emergency Motion.

The motion is granted to the extent necessary to ensure that Plaintiff has the opportunity to depose Mitchell before Mitchell appears at the trial in New Haven as a witness called by Defendant WMC. However, Mitchell's personal circumstances, as described in Defendant's opposing papers [Docs. 253 and 253-1], result in the Court denying, in the exercise of its discretion, Plaintiff's motion insofar as it seeks to specify the times and places of a Mitchell deposition. Mitchell is not currently an employee of GE or WMC. He is being advised by separate counsel. Mitchell resides in Trenton, Georgia, in the mountains south of Chattanooga, Tennessee. WMC cannot direct or control Mitchell's comings and goings. The events concerning which he will testify occurred not later than

2007, during his employment by WMC. Mitchell is presently engaged in starting a new consulting position.

Mitchell says that he will make himself available to be deposed by TMI counsel "on any day from January 9 to January 12 in Chattanooga or by videoconference." WMC brief [Doc. 252] at 7. That is a reasonable and fair arrangement in the circumstances. It accomplishes Plaintiff's wish to depose Mitchell before he testifies, without undue inconvenience to this out-of-state, busy, non-party witness. Plaintiff must be content with this, or, at Plaintiff's option, the court will require Mitchell to present himself for a deposition in New Haven during the day before he testifies in this City as a trial witness on behalf of the Defendant.

For the foregoing reasons, the Court makes this Order:

Plaintiff's Emergency Motion [Doc. 250] is GRANTED IN PART AND DENIED IN PART. A deposition of the witness Ian Mitchell will take place in accordance with the provisions of this Ruling.

It is SO ORDERED.

Dated; New Haven, Connecticut
December 28, 2017

/s/Charles S. Haight, Jr.
CHARLES S. HAIGHT, JR.
Senior United States District Judge