

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**KIMENY BILLINGTON,  
EEOC,  
ELLEN GLASS,  
KAREN STEWART,**

**Plaintiffs,**

**v.**

**CASE NO. 4:04-cv-00391-SPM-AK**

**ASSOCIATED SECURITY ENFORCEMENT INC,**

**Defendant.**

\_\_\_\_\_ /

**ORDER**

This matter is before the Court on Plaintiff's Emergency Motion to Compel Defendants to Maintain Deposition Dates or Forfeit Depositions of Plaintiffs. (Doc. 17). Plaintiffs have not provided the Court with authority for compelling their own depositions or forcing a party to conduct depositions which they do not wish to conduct. Consequently, insofar as the motion seeks this relief it is denied.

Nor is the Court familiar with any rules or case law which would support a finding that a party forfeits its right to take the deposition of another party because of professional discourtesy. The case cited by Plaintiffs is inapplicable to the facts at hand since it involves a person employed by a party, not a party itself, and unusual scheduling circumstances and delay that are not present in this case. In the present case, sufficient time remains in the discovery period to complete these depositions and three or four days cancellation notice may or may not be reasonable depending upon the financial consequences to the Plaintiffs of which the Court has only generally been

apprised. Inconvenience is, unfortunately, part of the costs of bringing a lawsuit. Nonetheless, the Court finds that Plaintiffs may be entitled to their reasonable expenses incurred as a result of Defendant's cancellation. The Court does not find that preparation costs should be recouped since they would have had to prepare for these depositions anyway.

Accordingly, it is

**ORDERED:**

1. Plaintiffs' Emergency Motion to Compel (doc. 17) is **DENIED**.
2. Plaintiffs *may* file an Affidavit of Fees and Expenses incurred in the cancellation of their depositions. Defendants may respond thereto within ten days of service thereof.

**DONE AND ORDERED** this 18<sup>th</sup> day of July, 2005

**s/ A. KORNBLUM**  
\_\_\_\_\_  
**ALLAN KORNBLUM**  
**UNITED STATES MAGISTRATE JUDGE**