

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

JANE DOE NO. 2,

CASE NO.: 08-CV-80119-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE NO. 3,

CASE NO.: 08-CV-80232-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

/

JANE DOE NO. 4,

CASE NO.: 08-CV-80380-MARRA/JOHNSON

Plaintiff,

vs. JEFFREY EPSTEIN,

Defendant.

/

JANE DOE NO. 5,

CASE NO.: 08-CV-80381-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE NO. 6,

CASE NO.: 08-80994-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE NO. 7,

CASE NO.: 08-80993-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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C.M.A.,

CASE NO.: 08-80811-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE,

CASE NO.: 08- 80893-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN et al,

Defendants.

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DOE II,

CASE NO.: 09- 80469-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN et al,

Defendants.

/

JANE DOE NO. 101,

CASE NO.: 09- 80591-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

/

JANE DOE NO. 102

CASE NO.: 09-  
80656-CIV-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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**ORDER**

**THIS CAUSE** is before the Court on Plaintiff, Carolyn Margaret Andriano's, Emergency Motion for Protective Order Regarding the Taking of her Deposition (D.E.

#259). Due to the emergency nature of the motion, and believing there is no argument that can be raised by opposing counsel to justify denying the relief requested, the undersigned has elected to rule on the motion before waiting for a response. For the following reasons, Plaintiff's Motion for Protective Order is granted.

By this Motion Plaintiff, Carolyn Margaret Andriano ("Andriano"), seeks an order delaying the taking of her deposition until such time as she is released from the hospital, where she is presently recovering from, among other illnesses, thoracic surgery, and discharged from any hospital and/or nursing home she may be admitted to for post-surgery recovery. According to Andriano, the subject deposition was unilaterally scheduled by Defendant's counsel to take place at 10:00 a.m. on August 14, 2009. Andriano, meanwhile, is reportedly in the hospital at the present time recovering from serious illnesses, including thoracic surgery, and is not due to be released from the hospital until at least August 24, 2009. Counsel for Andriano has represented that once released, there is a possibility that Andriano will be admitted to a rehabilitative hospital or nursing home to convalesce from her illnesses and resulting surgery. Obviously, appearing for her deposition unilaterally scheduled by Defendant to take place August 14, 2009 is, for Andriano, a near impossibility.

For "good cause" shown the Court may issue a protective order preventing or delaying a deposition. Fed. R. Civ. P. 26(c); see McCarthy v. Barnett Bank of Poly County, 876 F.2d 89, 91 (11th Cir. 1989). For the reasons listed above, the Court finds good cause shown to postpone the subject deposition until such time as Andriano is discharged from the hospital and/or any nursing home/rehabilitation hospital she may be admitted to. In this regard, the Court holds Plaintiff's attorney to the assertion made in the Motion that

he will keep counsel for Defendant informed as to Plaintiff's expected discharge date in order to facilitate the rescheduling of her deposition.

On the subject of deposition scheduling, the Court frowns on the unilateral scheduling of depositions and asks that, before any depositions are unilaterally set, attempts first be made to reach agreement with opposing counsel on deposition dates and times. Based on the Motion filed, it appears the dispute herein could have been amicably resolved between the parties by a simple phone call and without the need for court intervention. This said, the Court recognizes that a ruling has been made on the subject Motion without the benefit of a response by Defendant and allows that there may be, and often is, another side of the story. Suffice it to say that in this case, with its multitude of Plaintiffs and numerous claims, it is as important as ever that all counsel conduct themselves in a responsible and professional manner, mindful of the ethical obligations imposed upon all members of the Bar and attempt, wherever possible, to cooperate on matters of procedure and scheduling.

In summary, all counsel are hereby put on notice that the Court can ill afford to waste its resources supervising the discovery process, a process that is intended to operate without judicial intervention. Hunter's Ridge Golf Co. v. Georgia-Pacific Corp., 233 F.R.D. 678, 680 (M.D. Fla. 2006) ("Discovery is intended to operate with minimal judicial supervision unless a dispute arises and one of the parties files a motion requiring judicial intervention"); Nevin v. CSX Transp., 2003 WL 22005030, \*2 (M.D. Fla. 2003) ("discovery is intended to operate with minimal judicial supervision... ."); U.S. v. Pepper's Steel & Alloys, Inc., 132 F.R.D. 695, 696 (S.D.

CC: The Honorable Kenneth A. Marra  
All Counsel of Record

UNITED STATES MAGISTRATE JUDGE  
LINNEA R. JOHNSON



Florida.

**DONE AND ORDERED** this August 11, 2009, in Chambers, at West Palm Beach,

the terms hereof.

Order Regarding the Taking of her Deposition (D.E. #259) is **GRANTED** in accordance with

**ORDERED AND ADJUDGED** that Plaintiff's Emergency Motion for Protective

improper purpose. In accordance with the above and foregoing, it is hereby

attorney if these disputes are being used to gain a tactical advantage or for other

will not hesitate to award costs or other sanctions against either party or their

faith efforts, be resolved by the parties themselves. With the same ease, the Court

appropriate rulings with regard to discovery disputes that cannot, after ardent good

conducted with a minimum of judicial intervention"). The Court will, of course, issue

1993) ("[the Federal Rules of Civil Procedure] contemplate that discovery be

extrajudicially"); *Knight v. Docu-Fax, Inc.*, 838 F.Supp. 1579, 1581 (N.D. Ga.

Fla. 1990) (reminding the parties that "discovery should be conducted