

**5IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

CANDY OTTER and GREG OTTER,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:14-cv-01174-JDB-egb
)	
U.S. XPRESS, INC., JAXSON)	
TRUCKING, INC., and ROBERT KEITH)	
EVANS,)	
)	
Defendants.)	

ORDER

On referral for determination [D.E. 42] is Plaintiffs’ Motion to Quash, wherein they request that the Court quash a notice of deposition [D.E. 40]. A telephonic conference was held on January 27, 2015 with Mr. Piovarcy for Defendants and Mr. Adams for Plaintiffs.

This lawsuit concerns a multi-vehicle accident on Interstate 40. Defendant truck driver Evans was stopped along the left side of the roadway and subsequently the U.S. Xpress vehicle hit a car, flipped onto its side, and struck Candy Otter’s vehicle.

There is a lawsuit in Florida state court regarding the accident at issue as well – filed by a different plaintiff(s) -- where Defendant truck driver is to be deposed. Defendant trucking company and driver gave notice to Plaintiffs Otter that they and their attorney should attend and depose the common defendants in Florida. Plaintiffs Otter objected and filed this Motion to Quash.

After hearing arguments of the parties, the Magistrate Judge does not believe that Plaintiffs Otter, who are residents of Indiana, and have filed suit in West Tennessee, should be

required to depose the defendants alongside Florida plaintiffs in their state lawsuit. Thus, the Magistrate Judge GRANTS Plaintiffs' Motion to Quash.

IT IS SO ORDERED this 27th day of January, 2015.

s/Edward G. Bryant
UNITED STATES MAGISTRATE JUDGE