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

FIRST SOUTH BANK, a State Banking Association,	)	
Plaintiff,	)	
v.	)	Case No. 1:09-cv-01218-JDB-egb
LARRY P. BECKER, SR., Individually,	)	
Defendant.	)	

ORDER

Referred to this Court for determination is the Motion to Quash Notice of Deposition and the Motion for Protective Order [D.E. 28 and 29] filed by Defendant.

Here, Plaintiff attempts to take the deposition of Defendant, with the only issue being a disagreement as to the location. Plaintiff has chosen Jackson, Tennessee ("Jackson") and Defendant, who resides in Florida, objects to the "undue burden" travel to Jackson would cause him, although exactly what that might be is unspecified.

The underlying complaint was filed in Jackson by Plaintiff, which has a bank located in Jackson. The Court was advised during the Scheduling Conference that Defendant formerly resided in Jackson and thus, the Court thinks he would be in familiar territory in Jackson. Further, it appears from the pleadings that Defendant, in transacting the business associated with this lawsuit, did so using several Tennessee entities.

Given that Defendant would either pay his Jackson attorney for the time and expense of representing him at the Florida deposition or pay his own expenses of travelling to Jackson for the deposition, it seems the expense would not necessarily be an overriding burden. A Florida venue would result in Plaintiff having to incur unnecessary expenses.

Given the above circumstances, the Court finds Jackson, Tennessee not to be unduly burdensome for Defendant to provide his deposition as requested by Plaintiff and further determines that Defendant's two motions [D.E. 28 and 29] should be DENIED.

IT IS SO ORDERED.

s/Edward G. Bryant
EDWARD G. BRYANT
UNITED STATES MAGISTRATE JUDGE

Date: **November 24, 2010**

ANY OBJECTIONS OR EXCEPTIONS TO THIS ORDER MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE ORDER. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.