

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED *JK*

2004 DEC -3 AM 11:17

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

JOY J. BRITT, Individually
and on behalf of all similarly
situated persons,

Plaintiffs,

v.

CASE NO.: 3-03-0422

PRIMUS AUTOMOTIVE FINANCIAL
SERVICES, INC., f/d/b/a MAZDA
AMERICAN CREDIT; FORD MOTOR
CREDIT COMPANY,

Defendants.

OKP 11/24
The motion
is DENIED as moot.
Account for the parties
shall discuss
the setting of
depositions
is illegal

MOTION TO QUASH NOTICE TO TAKE DEPOSITION

COME the Defendants and move the Court to quash the Plaintiffs' Notice to

Take Deposition upon the following grounds:

1. On December 2, 2004, counsel for the Defendants received by *11800*
telefacsimile the attached Notice to Take Deposition ("Notice"). The Notice was actually *1-310*
received in the office of the undersigned at 6:41 p.m. on December 1, 2004. Notice by mail
has not been received by counsel for Defendants.

2. The Notice directs that depositions will commence on December 6,
2004, at 9:00 o'clock a.m. and directs the attendance of four (4) persons. Pursuant to Fed.
R. Civ. P. 30(b)(1), a party is required to give reasonable notice in writing of the deposition
and the Notice provided by the Plaintiffs does not permit Defendants' counsel time to
prepare for the deposition.

3. Counsel for the Plaintiffs has not discussed the taking of these
depositions with counsel for the Defendants, nor made any other attempt to coordinate the
taking of depositions.

4. The Notice designates four (4) deponents whose depositions have
previously been scheduled at the same time and place in the case of *First Federal Savings*

This document was entered on
the docket in compliance with
Rule 58 and/or Rule 79(a)

FRCP, on 1/31/05 By W

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