

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

MOHAMMAD HAMED, by his authorized ) Agent WALEED HAMED ) <p style="text-align: right;">Plaintiff, )</p>	)	CIVIL NO. SX-12-CV-370
vs. )	)	ACTION FOR DAMAGES INJUNCTIVE AND DECLARATORY RELIEF
FATHI YUSUF, and UNITED CORP., )  _____ Defendants. )	)	<b>JURY TRIAL DEMANDED</b>

**ORDER.**

**THIS MATTER** is before the Court on Plaintiff's Motion for a Protective Order pursuant to Fed. R. Civ. P. 26, 30 and 37, regarding notices of five (5) depositions of various members of Plaintiff's family, scheduled by Defendant for January 23, and 24, 2013. For the following reasons, Plaintiff's Motion is GRANTED.

*DISCUSSION*

Among the plethora of motions before the Court in this matter, in addition to Plaintiff's Motion for Protective Order, filed January 14, 2013, the Court is in possession of an electronically transmitted version of Defendants' Motion to Compel Limited Depositions or, Alternatively, to Exclude Testimony Pending Completion of Limited Depositions.<sup>1</sup>

Fed. R.Civ. P. 26(c)(1) states in pertinent part that a party from whom discovery is sought may move for a protective order so long as that motion certifies that the parties have met or attempted to meet to resolve the dispute. Further, upon that showing, the court may issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Moreover, Fed.R. Civ. P. 26(d) and (f) set forth the timing for party conferencing

<sup>1</sup> At the time of this writing, Defendants' referenced motion has not been filed with the Superior Court clerk's office and therefore is not considered.

and discovery planning and disclosures. Specifically, Fed. R. Civ. P. 26(d) prohibits discovery "from any source before the parties have conferred as required by Rule 26(f)." Here, Plaintiff avers that no such conference has occurred nor have either of the parties made self-disclosures of documents pursuant to Rule 26(a)(1).

This order does not address Defendants' Rule 56(d) Motion and Alternative Motion for Enlargement of Time to Respond to Motion for Partial Summary Judgment, filed December 27, 2012, opposed by Plaintiff. Plaintiff's pending Motion for Partial Summary Judgment will not be determined at the January 25, 2013 hearing which is limited to (and evidence presented, if any, will be restricted to) the issues presented relative to Plaintiff's Emergency Motion and Memorandum to Renew Application for TRO, filed January 9, 2013.

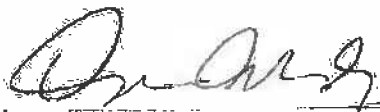
Being advised in the premises, it is hereby

**ORDERED** that the notices of scheduled depositions of Waheed Hamed, Hisham Hamed, Mufeed Hamed, Waleed Hamed and Mohammed Hamed are hereby STRICKEN, and such depositions shall not go forward as scheduled.

**ORDERED** that a copy of this Order shall be served on all counsel.

**DONE AND SO ORDERED** this 18<sup>th</sup> day of January, 2013.

DATED: Jan. 18, 2013



**DOUGLAS A. BRADY**

Judge of the Superior Court of the Virgin Islands

ATTEST:

VENETIA H. VELAZQUEZ, ESQ.

CLERK OF THE COURT

By: 

Dated: January 18<sup>th</sup>, 2013