

Avista Mgmt. v. Wausau Underwriters Ins. Co.

United States District Court for the Middle District of Florida, Orlando Division

June 6, 2006, Decided

Case No. 6:05-cv-1430-Orl-31JGG (Consolidated)

Reporter

2006 U.S. Dist. LEXIS 38526 *; 2006 AMC 1569

AVISTA MANAGEMENT, INC., d/b/a Avista Plex, Inc.,
Plaintiff, -vs- WAUSAU UNDERWRITERS INSURANCE
COMPANY, Defendant.

Subsequent History: Motion granted by Avista Mgmt.
v. Wausau Underwriters Ins. Co., 2006 U.S. Dist. LEXIS
113357 (M.D. Fla., Sept. 14, 2006)

Core Terms

deposition, engagement, parties, site

Counsel: [*1] For Avista Management, Inc., doing
business as Avista Plex, Inc., Plaintiff: David J.
Pettinato, Kelly Kubiak, Merlin Law Group, P.A, Tampa,
FL.

For Wausau Underwriters Insurance Company,
Defendant: D. Lee Craig, Suzanne K. Liotta, Curtis Lee
Allen, Butler Pappas Weihmuller Katz Craig LLP,
Tampa, FL.

Judges: GREGORY A. PRESNELL, UNITED STATES
DISTRICT JUDGE.

Opinion by: GREGORY A. PRESNELL

Opinion

ORDER

This matter comes before the Court on Plaintiff's Motion to designate location of a Rule 30(b)(6) deposition (Doc. 105). Upon consideration of the Motion -- the latest in a series of Gordian knots that the parties have been unable to untangle without enlisting the assistance of the federal courts -- it is

ORDERED that said Motion is DENIED. Instead, the Court will fashion a new form of alternative dispute resolution, to wit: at 4:00 P.M. on Friday, June 30, 2006, counsel shall convene at a neutral site agreeable to both parties. If counsel cannot agree on a neutral site, they shall meet on the front steps of the Sam M. Gibbons U.S. Courthouse, 801 North Florida Ave., Tampa, Florida 33602. Each lawyer shall be entitled to be accompanied by one paralegal who shall act as an attendant [*2] and witness. At that time and location, counsel shall engage in one (1) game of "rock, paper, scissors." The winner of this engagement shall be entitled to select the location for the 30(b)(6) deposition to be held somewhere in Hillsborough County during the period July 11-12, 2006. If either party disputes the outcome of this engagement, an appeal may be filed and a hearing will be held at 8:30 A.M. on Friday, July 7, 2006 before the undersigned in Courtroom 3, George C. Young United States Courthouse and Federal Building, 80 North Hughey Avenue, Orlando, Florida 32801.

DONE and **ORDERED** in Chambers, Orlando, Florida on June 6, 2006.

GREGORY A. PRESNELL

UNITED STATES DISTRICT JUDGE

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