

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT KELLER,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action H-06-1494
	§	
AT&T, INC. AND SOUTHWESTERN BELL	§	
YELLOW PAGES, INC.,	§	
<i>Defendants.</i>	§	

ORDER

This employment dispute is before the court on defendant AT&T, Inc.’s motion to extend the discovery period to allow it to take the deposition of two non-parties. (Dkt. 47). Having considered the parties’ submissions and the law, the court concludes that AT&T’s motion should be granted in part and denied in part.

AT&T seeks a deposition on written questions of the custodian of records of Eye Shield Technology in order to prove up records produced by Eye Shield Technology as business records. Keller has stated he will stipulate that the records are authentic and are not hearsay. Keller’s response, at 2, n.3. Based on Keller’s stipulation, which the court holds binding, the deposition on written questions is not necessary.

AT&T also seeks the oral deposition of a representative of Gulf Coast MRI and Diagnostic with the most knowledge of Keller’s employment. Gulf Coast employed Keller immediately after AT&T. Keller did not identify Gulf Coast as an employer until after the close of the discovery period, after AT&T filed a motion to compel.

The discovery period shall be extended until November 15, 2007 for the sole purpose of allowing AT&T to take a deposition on written questions of the Gulf Coast representative with the most knowledge of Keller's employment. The information AT&T seeks is straightforward and AT&T should be able to obtain the information on written questions without the expense and scheduling difficulties inherent in an oral deposition.

Nothing in this order shall be construed as a continuance of submission of the pending motion for summary judgment or of any other deadline in this case.

Signed at Houston, Texas on October 12, 2007.



Stephen Wm Smith
United States Magistrate Judge