

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

SAMUEL K. LIPARI, )
Plaintiff, )
Vs. ) Case No. 07-CV-02146-CM-DJW
U.S. BANCORP, and )
U.S. BANK NATIONAL ASSOCIATION, )
Defendants. )

DEFENDANTS’ OPPOSITION TO PLAINTIFF’S MOTION FOR PROTECTIVE ORDER AGAINST DEPOSITION DOCUMENT NO. 80

Defendants U.S. Bancorp and U.S. Bank National Association, through their attorneys Shughart Thomson & Kilroy P.C., file this opposition to plaintiff’s motion for a Protective Order against deposition (Doc. No. 80). Plaintiff’s motion should be denied. The sole basis for plaintiff’s motion is his contention that defendants have objected to his discovery requests and therefore he should not be required to attend his deposition. But mutuality of discovery is not good cause for a Protective Order under Rule 26(c), and plaintiff’s motion must therefore be denied.

I. FACTS RELEVANT TO THE DISPUTE

On May 9, 2008, defendants served upon Mr. Lipari a Notice of Deposition to be conducted on May 28, 2008, beginning at 9:00 a.m. in Overland Park, Kansas. See Doc. No. 76. On or about May 15, 2008, Mr. Lipari contacted defendants’ counsel and contended that it was unfair that defendants objected to his Notice of Deposition Duces Tecum while at the same time serving upon him a Notice of Deposition. Defendants’ counsel explained that Mr. Lipari’s Rule