

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

FILED

2002 AUG 23 A 10: 51

PATRICK FERGAL MCSHARRY,)
)
Plaintiff,)
)
v.)
)
UNUMPROVIDENT CORPORATION,)
)
Defendant.)

CIVIL ACTION FILE
NO. 1:02-CV-208
(Edgar/Carter)

U.S. DISTRICT COURT
EASTERN DIST. TENN.
BY DEP. CLERK

JOYCE A. KAKKIS, M.D.,)
)
Plaintiff,)
)
v.)
)
PROVIDENT MUTUAL LIFE)
INSURANCE COMPANY OF)
PHILADELPHIA, et al.,)
)
Defendants)

CASE NO. CV00-08297

ROBERT L. CARR,)
)
Plaintiff, *)
)
v.)
)
UNUMPROVIDENT CORPORATION,)
THE PAUL REVERE LIFE INSURANCE)
COMPANY, et al.,)
)
Defendants.)

CASE NO. CV01-07380 GAF
(C.D. CAL.)

ARTHUR L. FRIES,

Plaintiff,

v.

PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY, et al.,

Defendants.

CASE NO. CV-02-2583 AHM
(C.D. CAL.)

SIMON ZEMEL,

Plaintiff,

v.

PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant.

CASE NO. CV01-00994 TLH
(C.D. CAL.)

PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY,

Plaintiff,

v.

RICHARD J. VAN GEMERT,

Defendant.

CASE NO. 01-09498 SVW
(C.D. CAL.)

DR. HOWARD E. LEFTON,

Plaintiff,

v.

THE PAUL REVERE LIFE INSURANCE
COMPANY, et al.,

Defendants.

CASE NO. SACV-01-1179 AHS
(C.D. CAL.)

DR. MONIKA HENSCHKE,)
)
)
 Plaintiff,) CASE NO. C-01-10410 VRM
) (N.D. CAL.)
)
 v.)
)
)
 PROVIDENT LIFE AND ACCIDENT)
 INSURANCE COMPANY, et al.,)
)
)
 Defendants.)
)
 _____)

THOMAS SALDI,)
)
)
 Plaintiff,) CASE NO. 99-CV-6563
) (E.D. PA.)
)
 v.)
)
)
 PROVIDENT LIFE AND ACCIDENT)
 INSURANCE COMPANY,)
)
)
 Defendant.)
)
 _____)

DONALD M. PACHUTA, M.D.,)
)
)
 Plaintiff,) CASE NO. CV01-00199 ACK BMK
) (U.S.D.C. HI.)
)
 v.)
)
)
 UNUMPROVIDENT CORPORATION,)
 et al.,)
)
)
 Defendants,)
)
 _____)

ROSEMARY WRIGHT,)
)
)
 Plaintiff,) CASE NO. CIV-02-0171 PHX FJM
) (D.C. AZ.)
)
 v.)
)
)
 UNUM LIFE INSURANCE COMPANY;)
 UNUM/PROVIDENT CORPORATION,)
)
)
 Defendants,)
)
 _____)

ROBERT C. KELLMAN,

Plaintiff,

v.

UNUMPROVIDENT CORPORATION,
et al.,

Defendants.

CASE NO. C01-01376 SBA (N.D. CAL.)

ROBERT D. LIGORSKY,

Plaintiff,

v.

THE PAUL REVERE LIFE INSURANCE
COMPANY, et al.,

Defendants.

CASE NO. CIV-00-1318 PHX MHM
(D.C. AZ.)

JOANNE CEIMO,

Plaintiff,

v.

GENERAL AMERICAN LIFE
INSURANCE COMPANY, et al.,

Defendants.

CASE NO. CV00-1386 PHX SMM
(D.C. AZ.)

CATHERINE KELLY

Plaintiff,

v.

THE EQUITABLE LIFE
ASSURANCE SOCIETY, et al.,

Defendants.

CASE NO. L-04722-01 (N.J. S.C.T.)

GLUCK,)
)
 Plaintiff,)
)
 v.)
)
 THE PAUL REVERE LIFE)
 INSURANCE COMPANY, et al.,)
)
 Defendants)

CASE NO. 323492 (Cal. Sup. Ct.)

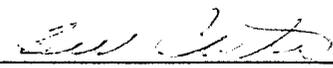
FILED
 2002 AUG 23 A 10:51
 U.S. DISTRICT COURT
 EASTERN DIST. TENN.
 BY [Signature]
 DEP. CLERK

ORDER

The undersigned has before it three motions to modify the August 9, 2002 order concerning Dr. Patrick McSharry's consolidated deposition to be given on September 4, 5, and 6, 2002. Plaintiffs in the following cases have moved to have their cases included in the consolidated deposition: *Gluck v. The Paul Revere Life Insurance Co., et al.*, Case No. 323492 (Cal. Sup. Ct.), *Henschke v. Provident Life and Accident Insurance Co., et al.*, Case No. C-01-10410 VRM (N.D. Cal.), and *Pachuta v. UnumProvident Corp., et al.*, Case No. CV01-00199 ACK BMK (D.C. Haw.). Presently, the consolidated deposition is set in six specific cases. The topic of the consolidated deposition is the same as the topic about which Gluck, Henschke and Pachuta wish to depose Dr. McSharry, *i.e.*, the policies and practices of UnumProvident Corp. in reviewing disability claims. Six cases in one deposition on the same topic is enough. More importantly, Gluck, Henschke and Pachuta have not shown why they would not be able to have Dr. McSharry's September 4, 5, and 6, 2002 deposition admitted as evidence in the trial of their respective cases pursuant to Fed. R. Civ. P. 804(b)(1) or their state law equivalent. Accordingly, plaintiffs' motions to modify the Court's August 9, 2002 order are DENIED.

SO ORDERED.

ENTER.



 UNITED STATES MAGISTRATE JUDGE