



FILED

May 1, 2019

TN COURT OF
WORKERS'
COMPENSATION
CLAIMS

3:25 P.M

**TENNESSEE BUREAU OF WORKERS' COMPENSATION
IN THE COURT OF WORKERS' COMPENSATION CLAIMS
AT JACKSON**

JEFFREY TENNYSON,)	Docket No. 2019-07-0218
Employee,)	
v.)	
SAVER'S PAINTING AND)	State File No. 62368-2018
WALLCOVERING, LLC,)	
Employer,)	
And)	
BRIDGEFIELD CASUALTY INS. CO.,)	Judge Allen Phillips
Carrier.)	

ORDER COMPELLING DEPOSITION

This case came before the Court on Saver's Motion to Compel Deposition. For the following reasons, the Court grants the motion with certain limitations.

Saver's moved the Court to compel Mr. Tennyson to attend a deposition by oral examination. Mr. Tennyson filed a response and asked the Court to deny the motion or, alternatively, limit the length of the deposition to one hour.

In its motion, Saver's noted its correspondence with Mr. Tennyson and the efforts it made to set the discovery deposition. Mr. Tennyson, in his reply, cited the same correspondence. From the Court's review, the issue is two-fold: one, Mr. Tennyson does not believe a deposition is timely at this stage of the litigation and two, even if it is timely, it is not appropriate because Saver's has already undertaken written discovery that serves the same purpose.

The Court decides discovery disputes on the "written materials of the parties unless [it] determines that argument is needed to resolve the dispute." Tenn. Comp. R. & Regs. 0800-02-21-.16(2) (2018). The Court finds it needs no argument to resolve this dispute.

The Court considers Tennessee Compilation Rule and Regulations 0800-02-21-.16(1) which provides:

Parties are encouraged, where practicable, to attempt to achieve any necessary discovery informally, in order to avoid undue expense and delay. When such attempts have failed, or where the complexity of the case is such that informal discovery is not practicable, *discovery shall be sought and effectuated in accordance with the Tennessee Rules of Civil Procedure unless these rules provide an alternative procedure.*

(Emphasis added).

The Court finds this case appropriate for discovery given the medical issues raised by the parties. Specifically, there appear to be issues regarding both causation and the degree of impairment. Given these issues, the Court also considers the case appropriate for pre-mediation discovery.

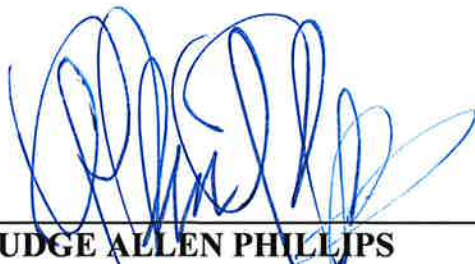
The Court sees merit in both parties' positions. Hence, it will consider them in the context of the rules governing discovery.

Tennessee Compilation Rules & Regulations 0800-02-21-.16(1) provides that discovery in the Court of Workers' Compensation Claims "shall be sought and effectuated in accordance with the TRCP [.]". TRCP rule 26.01 allows for both written discovery and depositions and Rule 26.02(1) allows a court to limit the frequency or extent of use of such discovery. Further, Rule 26.03 allows a court to set specified terms and conditions for discovery by use of a protective order.

Here, Saver's might use both interrogatories and a deposition under the Court's rules. The only limitation on the length of a deposition is four hours. When reading the Rules of Civil Procedure and the Court rules together, the Court finds it appropriate to allow Saver's to depose Mr. Tennyson but limits its examination of him to *one hour*. In so holding, the Court considers that Saver's already has answers to its written discovery that should provide guidance for a focused examination of Mr. Tennyson.

IT IS SO ORDERED.

ENTERED May 1, 2019.

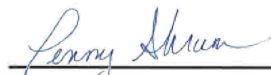


JUDGE ALLEN PHILLIPS
Court of Workers' Compensation Claims

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Order was sent to the following recipients by the following methods of service on May 1, 2019.

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