

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

DEANDREA CALLOWAY, )  
 )  
 Plaintiff, )  
 )  
 vs. ) Civil Action File No.  
 ) 19EV000055  
 )  
 CONSTANTIN GUTIERREZ-RIOS )  
 and LIBERTY MUTUAL INSURANCE )  
 COMPANY, )  
 )  
 Defendant. )

**DEFENDANT’S MOTION FOR PROTECTIVE ORDER**

Defendant Constantino Gutierrez Rios (incorrectly designated in the case caption as “Constantin Gutierrez-Rios”), by and through counsel, moves this Court for a protective order relieving him from being deposed by plaintiff’s counsel under O.C.G.A. § 9-11-45 and 9-11-30. Defendant shows that his deposition has been noticed to take place at plaintiff’s counsel’s office in Macon, Georgia, but defendant resides in Adel, Georgia. As such, having defendant appear for a deposition at plaintiff’s counsel’s office in Macon is unduly burdensome. Accordingly, defendant is under no obligation to appear for plaintiff’s unilaterally noticed deposition, scheduled for March 13, 2020. Moreover, defendant has a pending Motion to Dismiss, and discovery is stayed for ninety (90) days or until the Court’s ruling on the Motion pursuant to O.C.G.A. § 9-11-12 (j). Plaintiff has already served defendant with written discovery requests. An in-person deposition in addition to written discovery would be unduly burdensome and exceed the circumstantially necessary “limited discovery” as permitted by O.C.G.A. § 9-11-12 (j)(4).

*[SIGNATURE APPEARS ON FOLLOWING PAGE]*

This 11<sup>th</sup> day of March, 2020.

WALDON ADELMAN CASTILLA  
HIESTAND & PROUT



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**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2020, I electronically filed PLEADING with the Clerk of the Court using an O.C.G.A. § 15-6-11 electronic filing service provider which will automatically send e-mail notification of such filing to the following attorney(s) of record:

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This 11 day of March, 2020.

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