

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RAPOWER-3, LLC, INTERNATIONAL AUTOMATED SYSTEMS, INC., LTB1, LLC, R. GREGORY SHEPARD, NELDON JOHNSON, and ROGER FREEBORN,</p> <p>Defendants.</p>	<p>Civil No. 2:15-cv-00828 DN</p> <p>ORDER GRANTING MOTION FOR LEAVE TO FILE MOTIONS TO COMPEL DEPOSITION TESTIMONY UNDER SEAL</p> <p>Judge David Nuffer Magistrate Judge Brooke C. Wells</p>
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Upon consideration of the United States' motion for leave to file motions to compel deposition testimony under seal, (Doc. No. 133) and as amended, (Doc. No. 134) it is HEREBY ORDERED that:

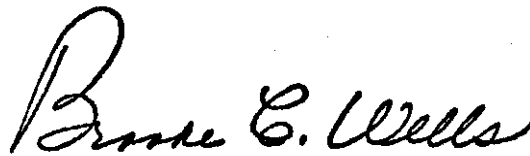
1. The United States amended motion is GRANTED;¹
2. The United States may file its motion(s) to compel deposition testimony from Cody Buck, Ken Oveson, and David Mantyla, and all supporting references, under seal, in accordance with DUCivR 5-2(d).
3. The motion(s) are to be filed in accordance with the court's short form discovery motion procedure.

¹ This order moots the first motion, Expedited Motion for Leave to File Motions to Compel, docket no. 133.

4. It appears that Plaintiff intends to file separate motions for each deposition it seeks.

To the extent that the issues overlap for these individuals it is unnecessary to file separate motions. Previously Plaintiff filed three separate motions to compel certain Defendants to sign and supplement its discovery responses.² Those motions could have been combined because they had nearly identical language, made the same arguments and had the same response deadline for the discovery requests. Redundant motions do not help move a case toward resolution, rather they impose unnecessary burdens upon limited party and judicial resources and do not promote efficiency.³ The parties in this action are encouraged to use their best judgment and wisdom in motion practice.

DATED this 15 March 2017.



Brooke C. Wells
United States Magistrate Judge

² See e.g., docket nos. 55, 56 and 57.

³ See e.g., *Estate of Trentadue ex rel. Aguilar v. U.S.*, 397 F.3d 840, 865-66 (10th Cir. 2005) (affirming district court's decision to require parties to apply to the court for permission to file additional motions after finding the parties had filed a record-setting number of motions that interfered with attempts to prepare for trial in a reasonable manner); *Hicks v. T.L. Cannon Corp.*, 66 F.Supp.3d 312, 314, 2014 WL 5771005 (W.D.N.Y. 2014) (restricting the filing of further dispositive motions until fact discovery was completed because "the parties' demonstrated inclination to file piecemeal dispositive motions"); *Rastelli Bros. v. Netherlands Ins. Co.*, 68 F. Supp. 2d 451, 454, 1999 WL 993699 (D.N.J. 1999) ("The seriatim presentation of legal theories should not be countenanced absent compelling reasons.").