

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

KATHY ORTIZ,

Plaintiff,

v.

KMART CORPORATION,

Defendant/Third-Party Plaintiff,

v.

SUNSHINE SHOPPING CENTER, INC.,

Third-Party Defendant.

1:07-cv-32

TO: Joel H. Holt, Esq.
Wilfredo A. Geigel, Esq.
Patrick D. Blake, Esq.

ORDER

THIS MATTER came before the Court upon Third-Party Defendant Sunshine Shopping Center's Motion to Compel (Docket No. 53). Defendant/Third-Party Plaintiff filed an opposition to said motion. This order is issued without necessity of reply.

Third-Party Defendant requests the Court to compel the depositions of Rafael Arroyo and Defendant/Third-Party Plaintiff's 30(b)(6) representative for January 13 or 14, 2010. Defendant/Third-Party Plaintiff, in its opposition, states that counsel is available, but

Ortiz v. Kmart Corporation

1:07-cv-32

Order

Page 2

that counsel needs to confirm the availability of the witnesses. Since the filing of the said opposition, counsel for Third-Party Defendant has communicated to the undersigned that counsel for both parties have agreed to schedule the said depositions for January 14, 2010, at 3:00 p.m.

Being advised in the premises of the said motion and in view of the fact that the parties have come to an agreement, it is now hereby **ORDERED** that Third-Party Defendant's Motion to Compel (Docket No. 53) is **DENIED AS MOOT**.

ENTER:

Dated: January 11, 2010

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE