

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MILOS LALIC,	:	
	:	
Plaintiff,	:	
v.	:	CIVIL ACTION NO.
	:	1:20-cv-03188-LMM
PEMBERTON TRUCK LINES, INC.,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

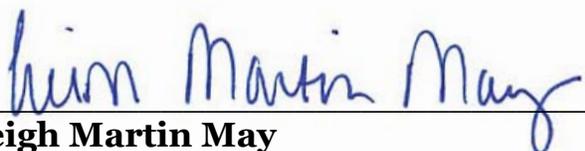
This case comes before the Court on Defendants’ Motion to Determine Reasonable Deposition Fees. [Dkt. 15]. The Motion indicates that both Dr. Eric Awad and Dr. Kamal Kabakibou are requesting \$3,000 per hour for a total of \$6,000 for two hours to be deposed as fact witnesses in this case. Defendants request that the Court require both Dr. Awad and Dr. Kabakibou to appear for deposition at a rate of \$500 per hour. Defendants’ Motion was served on both Dr. Awad and Dr. Kabakibou by certified mail, but neither has responded to the Motion.

Pursuant to Federal Rule of Civil Procedure 26(b)(4)(E), an expert is allowed to charge a “reasonable” fee to a party seeking discovery. The Court finds that \$3,000 per hour for a total of \$12,000 to take these two depositions is unreasonable. Although these physicians may be free to charge what the market will allow in their private affairs, this deposition is required for a court

proceeding, which is limited by the constraints of Rule 26. As a treating physician to Plaintiff, they have unique knowledge that is necessary for this proceeding.

Accordingly, the Court **ORDERS** Dr. Eric Awad and Dr. Kamal Kabakibou to appear for a deposition not to exceed two hours for a price not to exceed \$2,000. Defendants should contact Dr. Awad and Dr. Kabakibou to arrange for the depositions to be taken on a date and time and at a place convenient to them. If they are unable to do so and it appears that either physician is obstructing this process, the Court will order them to come to the Courthouse and have their depositions taken here. If they fail to appear, the Court will then hold contempt proceedings. If they are found in contempt, the U.S. Marshals will bring them to the Court for further proceedings. The Clerk is instructed to mail this order to Drs. Awad and Kabakibou at the addresses listed in Defendant's certificate of service to the Motion.

IT IS SO ORDERED this 4th day of November, 2021.



Leigh Martin May
United States District Judge