



the deposition was taken, but asserts merely that it bears upon the credibility of one of the defendants.

I do not believe the supposed superiority of a videotape deposition suffices as a reason for re-deposing the witness. The earlier deposition included the participation of defendants' then-lawyer, and they would presumably be at some disadvantage if, at trial, a deposition in which they were not represented would be substituted.

Insofar as the alleged further evidence is concerned, I conclude that the plaintiff should first be required to obtain an affidavit from the Florida witness, setting forth the alleged additional information. If defendants do not dispute what the witness now says, the affidavit can be offered at trial to supplement his deposition testimony. If, on the other hand, the defendants dispute the truth of the witness' affidavit, a further telephone deposition can be arranged.

As an alternative, since the case is to be tried non-jury, plaintiff may wish to re-consider the need for any additional deposition testimony, depending upon what happens at trial. If necessary, a brief recess should enable the parties to take whatever action is necessary.

In accordance with these views, plaintiff's motion will be denied without prejudice.

Plaintiff has also filed a motion to compel defendants to comply with this court's pretrial requirements, specifically, the requirement that the parties exchange witness lists and exhibit lists. In an e-mail response, the defendants seem to assert, either that they do not plan to call any witnesses other than themselves, or that the plaintiff has already been furnished a list of their witnesses. A conditional order will therefore be entered.

Finally, plaintiff seeks "extraordinary relief," asserting that the defendant Leslie Feaster has been harassing and threatening some of plaintiff's witnesses. I have reviewed the exchange of e-mails alleged to support this claim, and have concluded that, at most, this record reveals only personality clashes and emotional reactions. No corrective action is necessary.

