

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

ROY M. TERRY, JR.,
and
DURRETTE BRADSHAW PLC,
RECEIVER FOR: TERRY L. DOWDELL *ET AL.*,

Receiver,

v.

VIRGINIA M. JUNE, guardian for
ROBERT F. JUNE, SR.,

Defendant.

CIVIL ACTION No. 3:03-CV-00052

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Defendant's November 28, 2006 Motion to Exclude Deposition Testimony.

Federal Rule of Civil Procedure 32(a) allows the use of depositions only against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof. It is undisputed that Defendant was not present and did not have notice of the July 8, 2008 deposition. Accordingly, testimony from that deposition shall be EXCLUDED.

It is so ORDERED.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

ENTERED: _____
U.S. District Judge

Date