

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JAMES W. BOWER, JR.,
Plaintiff

vs.

TERESA H. BOWER,
Defendant

:
: **No. 00-20,831**
:
:
: **Motions to Strike**
: **Omnibus Motion**
: **Motions for Sanctions**

ORDER

AND NOW, this ____ day of August 2000, upon consideration of the plaintiff's Motions to Strike/Motions for Special Relief, the defendant's Omnibus Motion and Motions for Sanctions, it is ORDERED and DIRECTED as follows:

The Court GRANTS IN PART the defendant's Omnibus Motion. Although there is some merit to the plaintiff's position that significant information was exchanged during settlement negotiations prior to the divorce complaint being filed, the Court finds that this case is complex and will be better litigated by some extension of the scheduling order. Therefore, the Court will continue the Master's hearing scheduled for September 27, 2000 and extend the date for filing pre-trial statements to **November 3, 2000**. The Court requests that the Master/Family Court reschedule dates for the pre-trial conference and master's hearing so that they occur after November 3, 2000 and provide notice of the new dates to counsel. Furthermore, at the hearing the Master may consider any and all claims related to equitable distribution, alimony, counsel fees, and costs filed by either party.

The Court also GRANTS IN PART the plaintiff's Motions to Strike/Motions for Special Relief relating to the notice of deposition served on the plaintiff. The Court agrees

that eight(8) days of deposition is unreasonable. The defense may depose the plaintiff as scheduled on August 16, 2000 and an additional one and one-half (1 ½) days.¹ Counsel shall communicate with each other to arrange mutually agreed upon date(s) to complete the deposition of the plaintiff as soon as possible.

The Court DENIES the defendant's Motions for Sanctions. In light of the circumstances of this case, including the short notice to the plaintiff, the fact that the plaintiff was departing for Colorado the weekend the notice was received and the failure of **both** counsel to communicate effectively regarding the scheduling of the deposition and the plaintiff's unavailability, the Court does not believe sanctions are appropriate.

By The Court,

Kenneth D. Brown

cc: Janice R. Yaw, Esquire
John R. Moore, Esquire
Family Court
Work file

¹The Court contemplates an eight (8) hour day, so it would be allowing the defense an additional twelve (12) hours of deposition.