

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2008 JUN -3 PM 1:29

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

RUTH WAGGONER, INDIVIDUALLY §
AND AS REPRESENTATIVE OF THE §
ESTATE OF WILLIAM H. WAGGONER §
AND RONALD WAGGONER, §
PLAINTIFFS, §

V. §

CAUSE NO. A-07-CA-703-JRN

WAL-MART STORES, INC, THE §
STANLEY WORKS, INC, WAL-MART §
STORES TEXAS, LLC, AND STANLEY §
ACCESS TECHNOLOGIES, LLC, §
DEFENDANTS. §

ORDER

Before the Court in the above-entitled and styled cause of action is Defendant Wal-Mart Stores Texas, L.L.C.'s Opposed Motion for a Protective Order, filed May 29, 2008 (Doc. #26). Apparently, the parties are unable to agree if the deposition of Wal-Mart's corporate representative should occur in San Antonio, Texas or in Bentonville, Arkansas.

The Court is sympathetic with Defendant's argument. Surely Defendant's corporate representative, a resident of Arkansas, would feel great humiliation by being forced to enter the home state of the of the University of Texas, where the legendary Texas Longhorns have wrought havoc on the Arkansas Razorbacks with an impressive 55-21 all-time series record.¹

On the other hand, the Court is sympathetic with Plaintiff's position. Plaintiffs might enter Arkansas with a bit of trepidation as many residents of Arkansas are still seeking retribution for the "Game of the Century" in which James Street and Darrell Royal stunned the Razorbacks by winning

¹It is worth noting that the Razorbacks, who disgracefully retreated from the Southwest Conference to the gentler pastures of the Southeastern Conference, could have likely learned a lesson about stamina and perseverance in the face of battle by visiting the Alamo in San Antonio.

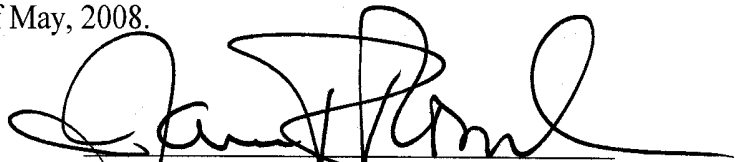
the 1969 National Championship.²

Because the Court is sympathetic to both parties' positions, it has found a neutral site, intended to avoid both humiliation and trepidation of retribution.

ACCORDINGLY, IT IS ORDERED THAT unless the parties agree otherwise, the deposition of Defendant's corporate representative shall occur at 9 AM on June 11, 2008 on the steps of the Texarkana Federal Building, 500 State Line Avenue, TX/AR 71854.

IT IS FURTHER ORDERED THAT each party is to remain on his or her respective side of the state line.

SIGNED this 3RD day of May, 2008.



JAMES R. NOWLIN
UNITED STATES DISTRICT JUDGE

²The Court takes judicial notice that the "Game of the Century" for the current century occurred on January 4, 2006 when Vince Young and Mack Brown led the Longhorns in a 41-38 win over the USC Trojans, thus securing the 2005 National Championship.