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Pryor Cashman Obtains Court Order Forcing Husband and Wife Plaintiffs to Separate During Their Respective Depositions

In a real estate case involving claims made against a Pryor Cashman client by a husband and wife as owners of the house at issue, the firm was successful in obtaining a protective order which forced the plaintiffs to have their depositions taken separately, with the other spouse being barred from the room when the first spouse was being deposed. In his successful motion, partner Eric D. Sherman, a member of Pryor Cashman's Real Estate Litigation Group, argued that the presence of the husband and wife during each other's deposition would compromise the defendant's ability to elicit spontaneous, uncolored testimony.

In his March 23, 2007 decision, Justice Andrew P. O'Rourke of the New York State Supreme Court, Putnam County, ruled that "since the plaintiffs have the same interests, are members of the same family and are represented by the same attorney their examinations should be conducted on a segregated basis."

Partner Lisa Buckley and associate Jake Radcliff, both from Pryor Cashman's Litigation Group, worked with Sherman on the motion.