

AND, the Court having read and considered the submissions and arguments of counsel;

AND, for good cause shown,

IT IS, this _____ day of _____, 2016, hereby **ORDERED** that defendant's motion for a protective order [D.E. No. 97] be, and the same hereby is, **DENIED**; and it is hereby,

FURTHER ORDERED that, pursuant to *Fed. R. Civ. P.* 37(d)(1)(A)(i) and 37(a)(5)(B), ABIM is hereby awarded its reasonable counsel fees and costs incurred in opposing defendant's motion for a protective order and arising out of defendant's failure to appear at his deposition as scheduled for May 31, 2016, the amount of which is subject to further order of the Court subject to the submission of an affidavit of services by counsel for ABIM.

BY THE COURT:

Cathy L. Waldor, U.S.M.J.