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# Viken Securities Limited et al Order on Motion to Compel

Melvin K. Westmoreland  
*Superior Court of Fulton County*

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**



VIKEN SECURITIES LIMITED, a foreign corporation, SPRINGBIRNE INVESTMENTS, INC., a foreign corporation, FELIPE SECURITIES LIMITED, a foreign corporation, VEENA MIRCHANDANI, SONIYA MIRCHANDANI, AHSA SHIVDASANI, and SAJNEE SADARANGANI,

Plaintiffs,

v.

NAVIN DADLANI and ALICIA DADLANI,

Defendants.

Civil Action No. 2014cv241970

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VIKEN SECURITIES LIMITED, a foreign corporation, FELIPE SECURITIES LIMITED, a foreign corporation, VEENA MIRCHANDANI, and SONIYA MIRCHANDANI,

Plaintiffs,

v.

NAVIN DADLANI,

Defendant.

Civil Action No. 2014cv250215

**ORDER**

This Court, having considered Defendants' Motion to Compel Plaintiffs Viken Securities Limited, Felipe Securities Limited, Veena Mirchandani, and Soniya Mirchandani to Appear in Person for their Depositions, and Plaintiffs' Response thereto finds as follows:

Plaintiffs Viken Securities Limited, Felipe Securities Limited, Veena Mirchandani, and Soniya Mirchandani, along with other named Plaintiffs, initially filed suit against Defendants

Navin and Alicia Dadlani in Fulton County Superior Court claiming \$30 million in damages (the “Initial Action”) but subsequently dismissed their claims without prejudice. Defendants’ counterclaims in this Initial Action remain pending. Plaintiffs filed a motion for a protective order requesting electronic depositions and claiming that in-person depositions in Fulton County would be unduly burdensome and expensive since all Plaintiffs resided outside of the United States, particularly since only the counterclaims remained. On June 9, 2014, the Court entered an order directing telephonic depositions of Plaintiffs to occur on or before July 15, 2014. Though videoconference depositions were scheduled for July 9 and July 10, they did not occur. On August 15, 2014, Plaintiffs refiled claims against Defendant Navin Dadlani making allegations related to the Initial Action (the “Renewal Action”). Defendants now ask the Court to reconsider its ruling allowing for electronic depositions.

The general rule is that “a party who chooses a forum should be required to make himself available for examination in that forum.” *Bicknell, et al., v. CBT Factors Corp., et al.*, 171 Ga. App. 897, 899 (1984). However, this Court may, in its discretion, order depositions by electronic means when it determines that in-person depositions would be unduly burdensome, expensive, inconvenient, or time consuming. *Id.*; O.C.G.A. § 9-11-26(c)(2); O.C.G.A. § 9-11-30(b)(4). The Court initially determined, in its discretion, international travel for depositions solely related to the counterclaims was unduly burdensome and electronic depositions would allow discovery to go forward in a timely manner. Indeed, the first notices of depositions for Plaintiffs were filed in May and yet the Court understands no depositions have been taken to date. Given the renewed claims, the significant delay in scheduling and taking the Plaintiffs’ depositions, and the evidence provided by both parties in support of Defendants’ Motion and Plaintiffs’ Response, the Court will now reconsider its decision for each deponent.

Veena Mirchandani and Soniya Mirchandani have both provided sufficient evidence demonstrating that in-person depositions will be unduly burdensome and will cause undue delay in discovery. Both have presented evidence of medical conditions that limit their ability to travel from their residence in London, England. Further, Veena Mirchandani would be required to obtain a visa to travel to the United States since she has an Indian passport. The Court finds this evidence, along with the travel time and expense of international travel, weighs in favor of videoconference depositions. Therefore, as to Plaintiffs Veena Mirchandani and Soniya Mirchandani, Defendants' Motion to Compel is **DENIED**. If compelling reasons exist for in-person depositions of the Plaintiffs after these remote depositions take place, Defendants may reapply to the Court and request an order requiring the Plaintiffs' appearance in Fulton County.

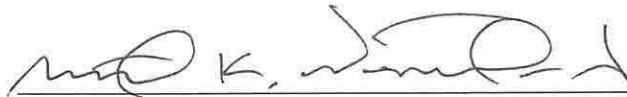
The Court is not, however, compelled to stray from the general rule requiring a person bringing suit to appear in that forum for Suren Mirchandani, the individual designated as the corporate representative for Viken Securities Limited and Felipe Securities Limited. Mr. Mirchandani claims that he will need to set aside seven days for travel to Fulton County to prepare for and attend these depositions which will interfere with his work. Defendants note, however, the depositions for Viken, Felipe, and Springbirne are all noticed for the same day, October 28, and there is no reason preparation for these depositions cannot be done remotely. Alternatively, the corporate plaintiffs could designate another person as their corporate representative. Therefore, as to Plaintiffs Viken Securities Limited and Felipe Securities Limited, Defendants' Motion to Compel is **GRANTED** and their corporate representatives must appear for in-person depositions in Georgia.

This Court **DENIES** Defendant's request for a Certificate of Immediate Review as this matter is not of such importance as to merit such a review. There is nothing before this Court to

suggest that videoconference depositions will substantially affect or hinder Defendants' ability to gather evidence through discovery, nor will it likely affect the outcome of this case, particularly since any actual prejudice suffered can be cured by subsequent petitions to the Court showing good cause for in-person depositions for Veena Mirchandani and Soniya Mirchandani.

Accordingly, this Court HEREBY **DENIES in part and GRANTS in part** Defendants' Motion to Compel as stated above, and **DENIES** Defendants' request for a Certificate of Immediate Review.

**SO ORDERED** this 25th day of September, 2014.



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**THE HONORABLE MELVIN K. WESTMORELAND,  
SENIOR JUDGE**

Fulton County Superior Court – Business Case Division  
Atlanta Judicial Circuit

**Copies to:**

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