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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 United States of America,  
10 Plaintiff,

No. CV-10-2358-PHX-DGC

**ORDER**

11 vs.

12 Robert F. Smith,

13 Defendant.

14 On October 13, 2011, Defendant Robert F. Smith filed an emergency motion for  
15 relief from deposition, stating that Plaintiff had not yet filed a memorandum in response  
16 to Mr. Smith's claim of Fifth Amendment privilege per the Court's order of September  
17 30, 2011, (Doc. 42) and that the Court had not yet ruled on that issue. Doc. 44. Plaintiff  
18 filed a response on October 21, 2011, stating that the parties had agreed to reschedule Mr.  
19 Smith's deposition until November 15, 2011, to allow the Court to resolve the Fifth  
20 Amendment issue. Doc. 45. That issue has since been fully briefed (Docs. 43, 46), and  
21 the Court issued an order on November 03, 2011, requiring Mr. Smith to provide Plaintiff  
22 the requested information. Doc. 47. The Court will deny Mr. Smith's motion for  
23 emergency relief from deposition as moot.

24 **IT IS ORDERED** that Defendant's motion for emergency relief from deposition  
25 (Doc. 44) is **denied** as moot.

26 Dated this 30th day of January, 2012.

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David G. Campbell  
United States District Judge