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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SHELLY J. IOANE, et al.,

Plaintiffs,

v.

JEAN NOLL, et al.,

Defendants.

Case No. 1:07-cv-00620-AWI-EPG

**ORDER GRANTING IN PART MOTION
TO COMPEL; EXTENDING NON-
EXPERT DISCOVERY DEADLINE;
DENYING MOTION FOR SANCTIONS**

(ECF Nos. 536, 537, 540)

On June 19, 2020, the Court held a hearing on the motion to compel filed by defendant Jean Noll (“Defendant”). (ECF Nos. 536, 537.) At this hearing, the Court also addressed the motion for sanctions filed by Shelly Ioane (“Plaintiff”). (ECF No. 540.) For the reasons discussed during that conference,

IT IS ORDERED that:

1. Defendant’s motion to compel (ECF No. 536) is GRANTED in part.

a. As to Defendant’s Interrogatory No. 20:

i. Plaintiff shall provide, no later than July 10, 2020, a supplemental written response regarding the portion of Defendant’s Interrogatory No. 20 that requests Plaintiff to “identify each instance, with particularity, where your alleged distress or trauma resulted in loss (financial or otherwise), expense, or other kinds types of purported damage.”

- 1 ii. Plaintiff shall participate in an additional deposition with such deposition
2 subject to the following conditions:
- 3 a) The deposition shall be held between July 15, 2020, and August 7, 2020.
4 b) The deposition shall be no longer than three (3) hours on the record, not
5 including any conferences with the Court to resolve any objections.
6 c) The subject matter of the deposition shall be limited to damages
7 information either regarding events following the date of Plaintiff's last
8 deposition or additional details regarding the disclosure that was made in
9 Plaintiff's June 1, 2020, supplemental response to Defendant's
10 Interrogatory No. 20.
11 d) The deposition shall be a video deposition taken by remote means under
12 Federal Rule of Civil Procedure 30(b)(4). The parties are directed to
13 meet and confer regarding the precise method of video means to be used
14 for the remote video deposition.
15 e) If, during the deposition, a dispute arises, the parties may reach out to
16 the Court and the undersigned, if available, will resolve the dispute. If
17 the parties would like to ensure that the undersigned is available on the
18 day of the deposition, the parties may reach out to Courtroom Deputy
19 Michelle Rooney to confirm whether the undersigned is scheduled to be
20 in chambers on the day the deposition is scheduled to occur.
- 21 b. As to Defendant's Interrogatory No. 18:
- 22 i. No later than July 10, 2020, Plaintiff shall provide a written supplement that
23 either provides any additional names and contact information for individuals
24 who may have discoverable information and who have not previously been
25 disclosed by Plaintiff or state that there are no additional names that have not
26 been previously disclosed.
- 27 ii. No later than July 10, 2020, Plaintiff shall provide the home address of
28 Michael Ioane Jr., Mrs. Ioane's son, or state that Plaintiff does not have that

1 information.

2 c. The non-expert discovery cutoff is extended in so far as Defendant is granted
3 leave to take the depositions of any individual who is listed in Plaintiff's
4 June 1, 2020 supplemental response to Defendant's Interrogatory No. 18 or in the
5 supplemental response to Interrogatory No. 18 required by this order, and who
6 was not previously disclosed by Plaintiff in a Federal Rule of Civil Procedure 26
7 disclosure.

8 i. Any such deposition shall not exceed three (3) hours in length.

9 ii. Discovery cutoff for these depositions is October 9, 2020.

10 iii. Plaintiff and her counsel are precluded from raising any further objections
11 to these depositions. During the depositions, Plaintiff's counsel may make
12 objections on the record on behalf of Plaintiff but may not raise objections
13 on behalf of the witnesses.

14 2. Plaintiff's Motion for Sanctions (ECF No. 540) is DENIED.

15 3. Defendant's request for costs and fees under Federal Rule of Civil Procedure
16 37(a)(5)(A) is DENIED.

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18 IT IS SO ORDERED.

19 Dated: June 19, 2020

20 /s/ Eric P. Gray
21 UNITED STATES MAGISTRATE JUDGE
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