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LAW OFFICES OF  
**ALLEN FAGALDE**  
**ALBERTONI & FLORES**  
LLP  
KIMBERLY G. FLORES SBN #227131  
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(209) 723-4372  
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Attorneys for Plaintiff, John Roe, by and through  
His Guardian Ad Litem, Sheilia Irene Callahan

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**JOHN ROE, a minor, by and through his  
Guardian Ad Litem, SHEILIA IRENE  
CALLAHAN,**

**Plaintiffs**

**vs.**

**GUSTINE UNIFIED SCHOOL DISTRICT;  
GOLDEN VALLEY UNIFIED SCHOOL  
DISTRICT; KYLE MATTHEW FISCHER,  
aka KYLE SIMMONS, a minor; MICHAEL  
FISCHER, aka MICHAEL SIMMONS, a  
minor; KELLY SIMMONS; JASON  
SIMMONS; MATTHEW MCKIMMIE, a  
minor; MYRNA TYNDAL; TOMMY SAN  
FELIPPO, a minor; FRANK HUDSON;  
BETTY HUDSON; CARL SCUDDER;  
JASON SPAULDING; ANTHONY SOUZA;  
ADAM CANO; TIMOTHY HAYES;  
KULJEET MANN; CHRIS  
IMPERATRICE, AND DOES 1-50**

**Defendants.**

**And Related Cross Actions.**

**NO.: 1:07-CV-00796-0WW-SMS**

**[PROPOSED] ORDER ON  
PLAINTIFF'S MOTION TO COMPEL  
ATTENDANCE AT DEPOSITION AND  
REQUEST FOR SANCTIONS**

**Date: November 24, 2009  
Time: 10:30 a.m.  
Ctrm: 3**

**Judge: Honorable Oliver W. Wanger**


1 Upon consideration of Plaintiff, JOHN ROE, a minor, by and through his Guardian Ad  
2 Litem, SHEILIA IRENE CALLAHAN'S Motion to Compel Attendance at Deposition and  
3 Request for Monetary Sanctions, the pleadings in support of, oral arguments, and good cause  
4 appearing, Plaintiff's Motion to Compel Defendant MATTHEW MCKIMMIE'S to appear for  
5 deposition and request for sanctions is **GRANTED**.

6  
7 **IT IS HEREBY ORDERED:**

8 1. That Defendant, MATTHEW MCKIMMIE appear for and submit to a meaningful  
9 deposition in this matter on 12-3-09 at 9 a.m./~~p.m.~~ at 1640 "N" Street, Suite 200,  
10 Merced, California; and

11 2. That sanctions in the amount of \$1,630.00 are awarded in favor of Plaintiff and  
12 against Defendant, MATTHEW MCKIMMIE. Said sanctions shall be due and payable to  
13 Plaintiff immediately.

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16 Dated: November 24, 2009

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HONORABLE OLIVER W. WANGER