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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

CARLOTTA OGUNDIMO et. al.,

CASE NO. 1:09-cv-00231-OWW-SKO

Plaintiffs,

**ORDER GRANTING DEFENDANT'S
MOTION TO COMPEL THE
DEPOSITION OF CARLOTTA
OGUNDIMO**

v.

STEADFAST PROPERTY &
DEVELOPMENT,

(Docket No. 110)

Defendant.

_____ /

I. INTRODUCTION

Plaintiff Carlotta Ogundimo ("Plaintiff") is proceeding *in pro per* and *in forma pauperis* with an action for damages and other relief filed on February 5, 2009. The complaint alleges that Plaintiff and her minor children suffered, and continue to suffer, discriminatory housing practices and interference with their right to use and enjoy their residential dwelling in violation of the Federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*

On July 26, 2010, Defendant Steadfast Property & Development ("Defendant") filed a motion to compel the deposition of Plaintiff Carlotta Ogundimo. The matter came on regularly for hearing on August 13, 2010, and both parties appeared telephonically. The Court issued its ruling from the bench compelling the deposition of Plaintiff, with this written Order following the Court's oral ruling.

1 **II. DISCUSSION**

2 On November 5, 2009, after negotiating with Plaintiff regarding a time and place to conduct
3 her deposition, Steadfast served notice on Plaintiff that her deposition was scheduled for November
4 10, 2009, at 2:30 p.m. at the Woodward Park Library. Plaintiff did not appear for her scheduled
5 deposition. On July 26, 2010, Defendant filed a motion to compel Plaintiff's deposition.

6 Defendant is entitled to take the deposition of Plaintiff Carlotta Ogundimo. Fed. R. Civ. P.
7 30(a)(1). **Plaintiff is cautioned that failure to appear for her deposition in violation of the**
8 **following Court order is ground for sanctions, up to and including dismissal of her case. Fed.**
9 **R. Civ. P. 37(b)(2)(v). The Court will recommend a case-terminating sanction if Plaintiff again**
10 **fails to appear for her deposition.**

11 After consideration of the parties' pleadings and arguments at hearing, IT IS HEREBY
12 ORDERED that:

- 13 1. Plaintiff shall appear for her deposition on **October 6, 2010, at 9:00 a.m.** at the
14 Federal Courthouse, if available, or in the alternative, at the Woodward Park Library
15 or the office of a Court Reporter;
- 16 2. The parties may attempt to negotiate a deposition date **prior to October 6, 2010**, at
17 a time or location different from that ordered above; however, should negotiations
18 fail as to an alternative date, Plaintiff **must appear on October 6, 2010, at 9:00 a.m.**
19 **at the Federal Courthouse, if available, or in the alternative, at the Woodward**
20 **Park Library or the office of a Court Reporter;** and
- 21 3. The Settlement Conference currently set for October 26, 2010, is CONTINUED to
22 November 18, 2010, at 10:30 a.m. in Courtroom 8 before Magistrate Judge Sheila K.
23 Oberto.

24
25 IT IS SO ORDERED.

26 **Dated: August 23, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE