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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COLUMBUS ALLEN, JR.,
Plaintiff,
v.
CHEUNG,
Defendant.

Case No. 1:09-cv-00930-AWI-JLT (PC)
ORDER DENYING PLAINTIFF'S REQUEST FOR ORDER OF DISCLOSURE OF DEPOSITION RECORDING METHOD AND OVERRULING OBJECTION TO IRREGULARITY IN NOTICE OF DEPOSITION NUNC PRO TUNC
(Doc. 56)

Plaintiff, Columbus Allen Jr. II, is a pre-trial detainee proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1986. Plaintiff filed this action on May 28, 2009 (Doc. 1) and is proceeding on his claims in the First Amended Complaint (Doc. 15) against Defendant Cheung for denial of dental care in violation of the Eighth Amendment between September 27, 2008 and January 3, 2009 (Docs. 31, 34). On April 11, 2014, Plaintiff filed a "Request for Order of Disclosure of Deposition Recording Method and Objection to Irregularity in Notice of Deposition." (Doc. 56.)¹

Rule 30(b)(3) requires that the method of recording be stated in a deposition notice. Plaintiff objects that Defendant's notice of his deposition did not state the recording method to be used and requested an order disclosing as much. (Doc. 56, pp. 1-2.) Indeed, Defendants'

¹ This motion is being ruled on despite insufficient lapse of time for Defendant to have responded. Defendant will not be prejudiced as the motion is being denied.

1 deposition notice, which Plaintiff attached as Exhibit "A" to his motion, does not state the
2 recording method. However, the Discovery and Scheduling Order specified that "defendants may
3 depose plaintiff and any other witness confined in a prison upon condition that, at least fourteen
4 (14) days before such a deposition, defendants serve all parties with the notice required by
5 Federal Rule of Civil Procedure 30(b)(1)." (Doc. 43, 1:25-27.) Thus, Defendant was not required
6 to include the recording method he intended to use in the notice of Plaintiff's deposition. Thus,
7 good cause exists to deny Plaintiff's motion.

8 Accordingly, it is HEREBY ORDERED that Plaintiff's "Request for Order of Disclosure
9 of Deposition Recording Method and Objection to Irregularity in Notice of Deposition," filed
10 April 11, 2014 (Doc. 56), is DENIED and any objections stated therein are OVERRULED.

11
12 IT IS SO ORDERED.

13 Dated: April 16, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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