

1 The Court considered Plaintiff's request for a protective order and evaluated the record,
2 including medical records Plaintiff has submitted in support of his requests. (*See, e.g.*, Doc. 70, at 60;
3 Doc. 136, at 21.) These records support that Plaintiff has been diagnosed with deep venous thrombosis
4 in the leg and ulcerative colitis, along with other medical and mental health issues, and that he is
5 receiving treatment for these conditions. Nevertheless, it appears that Plaintiff's conditions can be
6 accounted for with reasonable breaks and accommodations in a single-day deposition. Plaintiff has not
7 shown otherwise.

8 Plaintiff has now repeatedly objected to the taking of his deposition because he does not think
9 it serves a purpose, and because he has made serious allegations in this matter. The fact that Plaintiff
10 has done what every plaintiff in a civil action does—filed a complaint setting forth his claims and
11 allegations—does not excuse him from appearing for his properly noticed deposition. Rather, as the
12 plaintiff of this case, he is obligated to attend and meaningfully participate in his deposition.

13 Federal Rule of Civil Procedure 37 authorizes the court to impose sanctions based on a party's
14 failure to attend his own deposition. Fed. R. Civ. P. 37(d)(1)(A). Sanctions may include dismissal of
15 this action in its entirety. Fed. R. Civ. P. 37(b)(2)(A)(i)-(vi). The district court has broad discretion in
16 imposing sanctions under Rule 37. *Payne v. Exxon Corp.*, 121 F.3d 503, 507 (9th Cir. 1997). If
17 Plaintiff wishes to choose not to attend his deposition in this case, he may file a motion to voluntarily
18 dismiss this action pursuant to Federal Rule of Civil Procedure 41. Otherwise, Plaintiff's lack of
19 attendance and any failure to meaningfully participate and cooperate in the taking of his deposition
20 will result in a recommendation for terminating sanctions in this matter.

21 Accordingly, Plaintiff's objection to the Court's order denying his motion for a protective
22 order (Doc. 323) is **HEREBY OVERRULED**.

23
24 **IT IS SO ORDERED.**

25 Dated: May 17, 2018

/s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE