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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BROOKE NOBLE,  
Plaintiff,  
vs.  
WELLS FARGO BANK, N.A., *et al.*,  
Defendants.

Case No. 1:14-cv-01963-DAD-EPG  
ORDER TAKING UNDER ADVISEMENT  
DEFENDANT’S MOTION TO COMPEL  
AND MOTION FOR SANCTIONS  
(ECF No. 123)  
ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF’S  
MOTION TO COMPEL AND MOTION  
FOR SANCTIONS  
(ECF No. 129)

The Court held a status conference on February 27, 2017 and heard oral argument regarding Defendant’s motion for sanctions (ECF No. 123) as well as Plaintiff’s motion to compel and for sanctions (ECF No. 129).

Defendant's ex parte application to compel production of Plaintiff's medical records and for sanctions (ECF No. 123) is taken under advisement. By March 2, 2017, Plaintiff may file a supplemental response attaching records of communications with opposing counsel supporting her assertion that she attempted to timely facilitate production of the medical records .

Plaintiff's ex parte motion to compel new Rule 30(b)(6) deposition and for sanctions (ECF No. 129) is granted in part and denied in part. For reasons stated on the record, the Court

1 will compel an additional Rule 30(b)(6) deposition, for up to 7 hours. The Court addressed the  
2 substance of this continued deposition and set forth a procedure for agreeing on the scope of  
3 that deposition, with Court input to any disputes in advance of the deposition. Specifically, by  
4 February 28, 2017, Plaintiff shall propose topics for the new Rule 30(b)(6) deposition. By  
5 March 1, 2017, Defendant shall respond by either accepting or disputing the proposed topic. On  
6 March 2, 2017, the parties shall meet and confer regarding any disputes and the scheduling of  
7 the new Rule 30(b)(6) deposition. By close of business on March 3, 2017, the parties shall  
8 jointly submit a list of deposition topics with a statement as to whether or not the topic is  
9 accepted or disputed. No argument should be included in the submission to the Court.

10 A discovery dispute conference is set for 3/6/2017 at 9:30 a.m. before Judge Erica P.  
11 Grosjean. The Court will address the disputed topics at that time. To participate telephonically,  
12 the parties are directed to use the following dial-in number and passcode: 1-888-251-2909;  
13 passcode 1024453.

14 The Court will deny the motion for sanctions for the reasons discussed on the record.  
15 While sanctions will not be imposed at this time, counsel is warned that any conduct suggesting  
16 that the continued Rule 30(b)(6) was improperly prepared or otherwise impeded will warrant  
17 sanctions.

18 While the Court is aware that expert discovery may be impacted by the new Rule  
19 30(b)(6) deposition, the parties have indicated that the dispositive motion deadline will not be  
20 impacted. Therefore, that deadline and the trial-related settings remain in place.

21 IT IS SO ORDERED.  
22

23 Dated: February 27, 2017

24 /s/ Erica P. Grosjean  
25 UNITED STATES MAGISTRATE JUDGE  
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