

1 the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff claims that at
2 multiple institutions and over several years, his PTSD was not properly considered by prison
3 officials in determining his housing status.

4 Pursuant to the Court’s December 15, 2020 order resetting discovery and dispositive
5 motion deadlines, the deadline for completion of all discovery, including filing all motions to
6 compel discovery, is June 11, 2021. (ECF No. 154.)

7 Currently before the Court is Defendants’ ex parte application to take depositions of
8 Charles O’Conner, #AM3676, and Arturo Palomo, #V61262, incarcerated persons in connection
9 with this case, filed May 26, 2021. (ECF No. 163.) Defendants further request leave of the Court
10 to take the depositions by remote means if they choose. (*Id.*)

11 As provided in the Court’s October 3, 2017 Discovery and Scheduling Order:

12 Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendant may depose
13 Plaintiff and any other witness confined in a prison upon condition that, at least
14 fourteen (14) days before such a deposition, Defendant serves all parties with the
15 notice required by Federal Rule of Civil Procedure 30(b)(1). Pursuant to Federal
16 Rule of Civil Procedure 30(b)(4), the parties may take any deposition under this
17 section by video conference without a further motion or order of the Court.

18 (ECF No. 33, p. 2.) Accordingly, although Defendants’ motion is not necessary, it will be
19 granted pursuant to that order.

20 Based on the foregoing, IT IS HEREBY ORDERED that:

- 21 1. Defendants’ ex parte application to take depositions of incarcerated persons in
22 connection with this case, (ECF No. 163), is GRANTED;
- 23 2. Defendants may depose Charles O’Conner #AM3676 and Arturo Palomo #V61262 in
24 accordance with the Federal Rules of Civil Procedure and the institution’s rules and
25 regulations, including the presence of correctional officers during the depositions, and
26 may take the deposition by remote means if they choose, with the court reporter and
27 counsel in separate locations;
- 28 3. Counsel for Defendants is required to arrange for Plaintiff’s participation by
contacting the Litigation Coordinator at the institution where Plaintiff is housed; and

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4. The parties are reminded that, under the Court’s December 15, 2020 order resetting discovery and dispositive motion deadlines, (ECF No. 154), absent a request for extension of time providing a clear showing of good cause, all depositions in this matter must be completed by **June 11, 2021**.

IT IS SO ORDERED.

Dated: May 27, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE