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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA RIVERA-MARTINEZ and)	Case No. 1:16-CV-00062-LJO-JLT
ARTURO MARTINEZ,)	
Plaintiffs,)	ORDER AFTER INFORMAL
vs.)	TELEPHONIC RE: DISCOVERY
)	DISPUTE
)	(Doc. 34)
KERN COUNTY, et al.,)	
Defendants.)	
)	

On February 10, 2017, the Court held an informal telephonic conference related to a dispute over the timing of Dr. Hyden’s deposition. Dr. Hyden has indicated an unwillingness to submit to deposition on the weekend on after hours and has indicated unavailability for deposition during business hours until April 20, 2017. This date is well beyond the non-expert discovery deadline and after the deadline for expert disclosure. Thus, as loathe as the Court is to require a deponent to submit to deposition on the weekend, Dr. Hyden’s deposition—as is the case with many physician depositions—will have to occur after hours.

In addition, counsel recited difficulty in locating a treating physician, Dr. Rayna Piskova, who is now retired and, apparently, living in Michigan. Counsel have undertaken efforts to locate Dr. Piskova but have not yet had contact with her. They hope to take her deposition during early March

1 but, due to the difficulty in locating her and the lack of contact, cannot yet know whether this will
2 occur.

3 Finally, counsel also seek to take the deposition of Social Service Work, Andrea Avila, who
4 was or is an employee of Valley Children's Hospital in Madera, California. Counsel agreed they will
5 make contact as soon as possible with Ms. Avila and/or counsel for the hospital to arrange a
6 convenient date and location for this deposition.

7 Thus, the Court **ORDERS**:

8 1. Dr. Hyden **SHALL** submit to deposition on March 5 or March 11, 2017 or other date
9 convenient to counsel and Dr. Hyden (as long as to is before or around early March). Counsel for Dr.
10 Hyden **SHALL** notify other counsel no later than February 17, 2017 that he will submit to deposition
11 on one of these dates.

12 The deposition may raise all issues to which Dr. Hyden is a percipient witness and may
13 explore expert issues provided that they are topics upon which he testified before the Kern County
14 Juvenile Court. In the event counsel wish to ask him questions that exceed these expert topics, they
15 **SHALL** ask the questions (for purposes of creating the record) but Dr. Hyden may decline to answer
16 them. As long as his own expert designation does not address the additional topics and does not raise
17 other expert opinions that were not covered at the deposition, the Court contemplates that he will
18 submit only to one deposition. However, this will not preclude a showing as to why a second
19 deposition should be allowed;

20 2. Counsel **SHALL** use best efforts to complete the depositions of Andrea Avila
21 and Dr. Rayna Piskova within the current discovery deadlines. However, the Court is aware that
22 these depositions may need to occur shortly thereafter. As necessary, counsel may present a
23 stipulation extending the non-expert discovery deadline for a reasonable time to complete these
24 depositions.¹

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27 ¹ For clarification, the Court's order (Doc. 33) issued on January 27, 2017 was without prejudice to the filing, if
28 necessary, of a renewed request that is properly supported by a showing of good cause.

1 Counsel for County SHALL notify other counsel no later than February 17, 2017 as to what
2 she has learned about deposition dates for these deponents.

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4 IT IS SO ORDERED.

5 Dated: February 10, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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