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8	UNITED STAT	ES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA	
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11	MARISOL VIVANCO, Individually and as) Case No.: 1:17-cv-00434-BAM
12	Successor in Interest to SOLTON VIVANCO GONZALEZ,) ORDER GRANTING DEFENDANTS' REQUEST
13	Plaintiff,) FOR LEAVE TO TAKE THE DEPOSITION OF) WITNESS KACEY VALLI, A PERSON
14	v.) CONFINED IN PRISON) (Doc. No. 33)
15	CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION, et)
16	al.,)
17	Defendants.))
18	This case concerns Plaintiff Marisol V	ivanco's claims related to the death of Solton Vivanco
19	Gonzalez while in the custody of the California Department of Corrections and Rehabilitation	
20	("CDCR"). This action proceeds on Plaintiff's Eighth Amendment deliberate indifference and	
21	Fourteenth Amendment substantive due proces	ss claims against Defendant Warden Scott Frauenheim
22	and Doe Defendants, and her state law claim fo	or wrongful death against CDCR and Doe Defendants.
23	On July 27, 2018, Defendants CDCR and	d Warden Scott Frauenheim filed a request seeking leave
24	to depose witness Kacey Valli (CDCR No. AX	0706), who is incarcerated at the California Health Care
25	Facility-Stockton. Federal Rule of Civil Procedure 30(a) provides that a party must obtain leave of court	
26	to depose a person confined in prison, and the court must grant such leave consistent with Federal Rule	
27	of Civil Procedure 26. Fed. R. Civ. P. 30(a)(2)(B) ("A party must obtain leave of court, and the court	
28	must grant leave to the extent consistent with I	Rule $26(b)(1)$ and $(2) \dots$ if the deponent is confined in

1	prison."). Defendants explain that Plaintiff identified Mr. Valli as a witness to the incident in her initial	
2	disclosures and in responses to interrogatories. Defendants further indicate that deposition of Mr. Valli	
3	will be scheduled upon reasonable notice as provided by Rule 30(b).	
4	Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), and for cause shown, Defendants'	
5	request for leave to depose witness Kacey Valli (CDCR No. AX0706), a person confined in prison, is	
6	HEREBY GRANTED. Defendants shall schedule the deposition of Mr. Valli upon reasonable notice	
7	as provided by Rule 30(b).	
8	IT IS SO ORDERED.	
	Dated: July 31, 2018 /s/ Barbara A. McAuliffe	
	UNITED STATES MAGISTRATE JUDGE	
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