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Counsel for Plaintiff Raul Pizana

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL PIZANA, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

SANMEDICA INTERNATIONAL,
LLC, and DOES 1 through 10,
inclusive,

Defendants.

) Case No. 18-cv-00644-DAD-SKO

) **CLASS ACTION**

) Hon. Judge Dale A. Drozd

) **STIPULATION AND ORDER RE:
FRCP 30(b)(6) DEPOSITIONS**

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Plaintiff Raul Pizana (“Plaintiff”) and Defendant Sanmedica International, LLC (“Defendant”) (collectively, the “Parties”) by and through their respective counsel of record, enter into the following stipulation:

RECITALS

WHEREAS, on June 5, 2020, Plaintiff served a Deposition Notice to Defendant pursuant to Federal Rule of Civil Procedure 30(b)(6);

WHEREAS, Defendant notified Plaintiff that it had identified seven (7) separate designees of Defendant to serve as Rule 30(b)(6) witnesses—and that its position was that Plaintiff is entitled to only seven hours to complete all seven Rule 30(b)(6) depositions pursuant to Utah local rules;

WHEREAS, on July 27, 2020, Plaintiff advised Defendant the Utah local rules do not apply in the Eastern District of California and that Defendant’s position was inconsistent with the Rule 30(b)(6) Committee notes, which state “[f]or purposes of this durational limit, the deposition of each person designated under Rule 30(b)(6) should be considered a separate deposition.” FRCP Rule 30(b)(6) Notes of Advisory Committee on 2000 amendments;

WHEREAS, on July 31, 2020, the Parties further met and conferred pursuant to Local Rule 251(b) and could not come to an agreement regarding the duration of time for the 30(b)(6) designees;

WHEREAS, on August 4, 2020, Plaintiff filed a notice of motion and motion to compel reasonable time to complete the Rule 30(b)(6) depositions, which is scheduled for hearing on August 26, 2020;

WHEREAS, on August 5, 2020, Plaintiff served an Amended Deposition Notice to Defendant pursuant to Federal Rule of Civil Procedure 30(b)(6) scheduled to commence on September 8, 2020;

WHEREAS, on August 13, 2020, Defendant advised Plaintiff that it agrees to allow Plaintiff up to 7 hours per 30(b)(6) witness and that the 30(b)(6) depositions can commence on September 8, and continuing each day thereafter (excluding the

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weekend) through September 16 to account for the number of witnesses Defendant anticipates designating;

WHEREAS, the Parties, having met and conferred, agree to stipulate that Plaintiff will have up to 7 hours per Rule 30(b)(6) witness;

WHEREAS, the Parties further stipulate that the Rule 30(b)(6) depositions shall commence on September 8, unless otherwise agreed in writing by the Parties;

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, IT IS HEREBY STIPULATED by and between the Parties that Plaintiff will have up to 7 hours per 30(b)(6) witness and that the 30(b)(6) depositions can commence on September 8, unless otherwise agreed in writing by the Parties, in lieu of Plaintiff’s motion to compel, which will be withdrawn upon the Court’s approval of the proposed order herein.

IT IS SO STIPULATED.

DATED: August 19, 2020

CLARKSON LAW FIRM, P.C.

/s/ Shireen M. Clarkson
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Shireen M. Clarkson, Esq.
Matthew T. Theriault, Esq.
Lauren Anderson, Esq.

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Attorneys for Plaintiff Raul Pizana and
the Proposed Plaintiff Class

DATED: August 19, 2020

**THE LAW OFFICE OF JACK
FITZGERALD, PC**

By: /s/ Jack Fitzgerald
Jack Fitzgerald

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ORDER

Based on the stipulation of the Parties and for good cause shown, IT IS HEREBY ORDERED that Plaintiff will have up to 7 hours per 30(b)(6) witness and that the 30(b)(6) depositions can commence on September 8, 2020, unless otherwise agreed in writing by the Parties.

IT IS FURTHER ORDERED that Plaintiff’s “Motion to Compel Reasonable Time to Complete Fed. R. Civ. P. 30(b)(6) Depositions,” (Doc. 79), is deemed WITHDRAWN. The hearing on the motion, currently set for August 26, 2020, is hereby VACATED.

IT IS SO ORDERED.

Dated: August 20, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE