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

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|---|---|-------------------------------------|
| DAVID B. JOHNSON, <div style="text-align: right; padding-right: 20px;">Plaintiff,</div> | } | Case No. 2:07-cv-02002-PMP-GWF |
| vs. | } | <u>ORDER</u> |
| R.J. SUBIA, <i>et al.</i> , <div style="text-align: right; padding-right: 20px;">Defendants.</div> | } | Motion to Take Depositions (#58) |

This matter is before the Court on Plaintiff's Motion to Take Depositions via Videoconference at Same Time Defendants Take Depositions on Plaintiff (#58), filed November 1, 2010.

Plaintiff requests leave from the Court to conduct the videoconference depositions of Defendants on the same date that Defendants have scheduled Plaintiff's deposition. (*Id.*) The Court will deny this request as Defendants must be allowed sufficient time to complete their own deposition of Plaintiff. Allowing both depositions on the same date would potentially limit Defendants in their ability to depose Plaintiff and similarly limit Plaintiff in his ability to depose Defendants.

Plaintiff may, however, conduct a deposition of each defendant in this action. In order to depose the defendants, Plaintiff must comply with the formal requirements of Fed.R.Civ.P. 30(b), including giving reasonable notice of the deposition to Defendants. As Defendants will be deposing Plaintiff via videoconference, the prison where Plaintiff is housed would appear to have videoconferencing ability. If Plaintiff wishes to conduct the depositions via telephone or video conference, the Court would grant such a request. Plaintiff should inquire with prison

1 administrators to determine if arrangements can be made.

2 The Court also notifies Plaintiff that he is responsible for any costs and fees incurred in
3 taking the deposition. Under Fed.R.Civ.P. 30(b)(3), Plaintiff is responsible for arranging to have
4 the depositions recorded by audio, audiovisual or stenographic (court reporter) means. Plaintiff
5 also bears the recording costs. *Id.* Similarly, there may be some costs related to the use of the
6 prison telephone or video equipment. Plaintiff should be aware that Defendants may request that
7 Plaintiff reimburse them for any costs and fees incurred in the taking of the deposition.

8 Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Take Depositions via
10 Videoconference at Same Time Defendants Take Depositions on Plaintiff (#58) is **denied**.

11 DATED this 22nd day of November, 2010.

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14 **GEORGE FOLEY, JR.**
15 **United States Magistrate Judge**