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

LINDSAY JOHNSON,

Plaintiff,

No. CIV S-08-0909 LKK GGH

vs.

PROLINE CONCRETE TOOLS, INC.,

Defendant.

ORDER

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On April 1, 2009, defendant filed a request for witness to appear telephonically at evidentiary hearing. On April 2, 2009, defendant filed an objection to plaintiff's subpoenas for evidentiary hearing. Each filing will be addressed in turn.

Plaintiff has not stated an objection to witness DiGiovanni appearing by telephone at the hearing scheduled for April 7, 2009. Therefore, this witness will be permitted to appear by telephone or video due to her personal circumstances of needing to care for her ailing father. All arrangements shall be made by defendant. If plaintiff appears by telephone only, defendant is warned that the court's ability to judge the demeanor of this witness may be impacted. Defendant's counsel shall ensure that any documents subpoenaed by plaintiff from this witness shall be produced in court. See below.

Defendant's objection to plaintiff's subpoenas due to failure to serve the witnesses

1 their fees and mileage is overruled. This court ordered the appearance of witnesses Irwin, Sowa  
2 and DiGiovanni at the evidentiary hearing. (docket # 59.) The order directed the issuance of  
3 subpoenas only if documents were required.

4 Accordingly, IT IS ORDERED that:

5 1. Defendant's April 1, 2009 request for witness to appear telephonically at evidentiary  
6 hearing is granted. Defendant shall make all arrangements.

7 2. Defendant's April 2, 2009 objection to plaintiff's subpoenas for evidentiary hearing is  
8 overruled.

9 DATED: April 6, 2009

10  
11 s/s Gregory G. Hollows

12 UNITED STATES MAGISTRATE JUDGE

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