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

NICOLE ALFANO, et al.,

Plaintiffs,

No. CIV S-08-1704 JAM DAD

v.

BRP INC., et al.,

Defendants.

**AMENDED<sup>1</sup> ORDER**

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This case came before the court on June 25, 2010, for hearing of defendants' motion for protective orders preventing or limiting the scope of six depositions and plaintiffs' counter-motion to compel the completion of the depositions on or before the applicable discovery deadline of July 23, 2010.<sup>2</sup> Henry Jones, Esq. appeared telephonically for plaintiffs. Christina M. Paul, Esq. appeared telephonically for defendants.

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<sup>1</sup> The order filed in this case on June 28, 2010 (Doc. No. 136) contains an error in the date by which depositions shall be completed. The amendment is shown in bold in this order.

<sup>2</sup> In response to the court's order filed June 22, 2010, the parties filed a document that is deemed to be the required notice of motion and motion required by Local Rule 251(a).

1           Upon consideration of the parties' briefing, their arguments in open court, and the  
2 entire file, the court grants defendants' motion for protective orders in part and grants plaintiffs'  
3 motion to compel with regard to the deadline for completing the depositions.

4           IT IS ORDERED that:

5           1. Defendants' motion for protective orders (Doc. No. 134) is granted in part as  
6 follows:

7                   a. With respect to plaintiff's June 4, 2010 Rule 30(b)(6) deposition notice  
8 relating to the Joint Defense/Common Interest Agreement and the Industry's Response to Orifice  
9 Injury Hazards, the scope of topics 1 and 2 is narrowed as set forth at the hearing and plaintiffs  
10 are limited to two hours of examination on all ten topics, while cross-examination by defendants  
11 is unlimited;

12                   b. With respect to plaintiffs' June 15, 2010 Rule 30(b)(1) deposition  
13 notice of defendants' Chief Financial Officer, the deposition is precluded at this time based on  
14 the assumption that defendants' responses to written discovery will be adequate with respect to  
15 the subject matter at issue; however, if defendants' responses to written discovery are not  
16 adequate for plaintiffs' purposes, plaintiffs may renew their motion to compel the 30(b)(1)  
17 deposition, on shortened time;

18                   c. With respect to plaintiffs' May 28, 2010 Rule 30(b)(6) deposition  
19 notice regarding the 2009 Letter to Owners Regarding Updated Safety Video, plaintiffs are  
20 limited to two hours of examination regarding the letter, while cross-examination by defendants  
21 is unlimited;

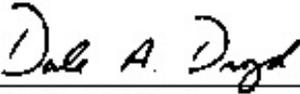
22                   d. With respect to plaintiffs' June 11, 2010 deposition subpoenas of Dr.  
23 Stephen L. Young, Dr. Timothy Rhoades and Elaine Wisniewski, these depositions are  
24 precluded; and

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1                   2. Plaintiffs' motion to compel (Doc. No. 134) is granted, and the depositions not  
2 precluded by this order shall be completed by **July 23, 2010**.

3 DATED: June 28, 2010.

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7 DALE A. DROZD  
8 UNITED STATES MAGISTRATE JUDGE

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