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

ROBERT WATTS, on behalf of  
himself individually and all others  
similarly situated,

Plaintiff,

No. 2:08-cv-01877 LKK KJN

vs.

ALLSTATE INDEMNITY COMPANY, an  
Illinois corporation, ALLSTATE  
INSURANCE COMPANY, an Illinois  
corporation, ALLSTATE PROPERTY  
AND CASUALTY INSURANCE  
COMPANY, an Illinois corporation; and  
DOES 1 through 100, inclusive,

Defendants.

ORDER

\_\_\_\_\_ /  
Defendants Allstate Indemnity Company, Allstate Insurance Company and  
Allstate Property and Casualty Insurance Company’s (“Allstate” or “defendants”) Motion to  
Compel plaintiff Robert Watts to Produce His Proposed Expert Witnesses for Deposition (Dkt.  
No. 191) came on for hearing on April 7, 2011. (Dkt. No. 198.) Attorney Sonia Martin appeared  
on behalf of the defendants. Attorney Jennifer Euler appeared on behalf of the plaintiff.

Having considered the motion (Dkt. No. 191), the parties’ declarations (Dkt. Nos.  
195, 197), the Joint Statement (Dkt. No. 196), the record and pleadings on file in this action, and

1 the statements made by counsel during the hearing, defendants' motion (Dkt. No. 191) is granted.

2           During the hearing, counsel for plaintiff confirmed that plaintiff's class  
3 certification motion would be based in part upon the testimony of his disclosed experts. On the  
4 issue of depositions of experts who will provide testimony on class certification issues, plaintiff's  
5 narrow reading of the Scheduling Order is not well-taken. Accordingly, plaintiff must produce  
6 his experts for deposition prior to April 30, 2011. Unless the parties jointly stipulate otherwise,  
7 the undersigned orders that the depositions be completed in accordance with the schedule set out  
8 below.

9           For the foregoing reasons, IT IS HEREBY ORDERED that:

10           1.     Defendants' Motion to Compel Plaintiff To Produce His Proposed Expert  
11 Witnesses For Deposition (Dkt. No. 191) is granted.

12           2.     The parties are to comply with the following timetable:

13           (a)    The parties must select mutually-agreeable deposition dates by April 11,  
14                 2011. The depositions may be conducted on weekend days, if necessary.

15           (b)    Defendants must serve deposition notices by April 13, 2011. Such service  
16                 shall be upon plaintiff's counsel, as plaintiff's counsel consented to  
17                 receive such service on behalf of plaintiff's experts. In addition to  
18                 traditional service methods, counsel for defendants shall send courtesy  
19                 copies of the notices via email or fax to plaintiff's counsel at the time the  
20                 notices are served. The undersigned orders that the depositions may occur  
21                 on shortened time.

22           (c)    Plaintiff may serve objections to the expert deposition notices by April 15,  
23                 2011. In addition to traditional service methods, counsel for plaintiff shall  
24                 send courtesy copies of the notices via email or fax to defense counsel at  
25                 the time the objections are served.

26           (d)    The depositions of plaintiff's experts shall in no event be completed later

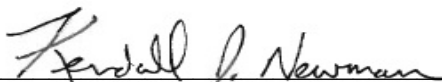
1 than April 30, 2011.

2 (e) The undersigned strongly encourages the parties to complete the  
3 depositions well in advance of April 30, 2011, and the undersigned  
4 expects both parties to diligently work toward an earlier completion of the  
5 depositions. Counsel shall contact the undersigned's chambers and  
6 request a telephonic conference with the undersigned in the event any  
7 party is unreasonably preventing timely completion of these depositions.  
8 Counsel is cautioned that, if any party unreasonably prevents timely  
9 completion of these depositions and/or fails to comply with this timetable,  
10 evidentiary and/or monetary sanctions may issue.

11 3. Monetary sanctions will not be awarded in connection with defendants'  
12 motion. (Dkt. No. 191.) For the reasons stated on the record during the hearing, because  
13 plaintiff is ordered to produce his experts prior to the class certification briefing, such sanctions  
14 are not necessary at this time.

15 IT IS SO ORDERED.

16 DATED: April 7, 2011

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19 KENDALL J. NEWMAN  
20 UNITED STATES MAGISTRATE JUDGE  
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