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

THE NEWARK GROUP, INC.,

Plaintiff,

No. CIV S-08-2623 GEB DAD

v.

DOPACO, INC.,

Defendant.

ORDER

_____ /

This case came before the court on June 18, 2010, for hearing on defendant’s motion to quash (Doc. No. 93). H. Christian L’Orange, Esq. appeared for defendant and moving party Dopaco, Inc. Marc Poe, Esq. appeared for plaintiff The Newark Group, Inc.

For the reasons stated in open court, defendant’s motion to quash plaintiff’s deposition notice of defendant’s consulting expert Joseph Kelly is DENIED. It is appropriate for Mr. Kelly to be subject to limited questioning by plaintiff’s counsel regarding the contents of the ink sold by SCI during Mr. Kelly’s employment with SCI, based solely upon Mr. Kelly’s knowledge gained by way of his employment with SCI at that time and not based on any subsequent investigation, testing, and research conducted by Mr. Kelly.

Questioning of Mr. Kelly by plaintiff’s counsel will be limited to two hours of actual questioning. Questioning by defendant’s counsel will not be limited. Plaintiff’s counsel

1 may cross-examine Mr. Kelly regarding any matter raised by defendant's counsel. Counsel shall
2 work together with regard to the timing and location of the deposition.

3 IT IS SO ORDERED.

4 DATED: June 22, 2010.

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7 _____
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

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