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

HAROLD FUNK,

Plaintiff,

No. CIV S-09-1000 MCE EFB (TEMP)

vs.

TOWN OF PARADISE, et al.,

Defendants.

ORDER

On July 13, 2011, the undersigned held a hearing on plaintiff's motion to compel. Attorney Larry Baumbach appeared at the hearing on behalf of plaintiff; attorney Douglas Thorn appeared on behalf of defendants.

For the reasons stated on the record, it is hereby ORDERED that:

1. Plaintiff's motion to compel further responses to interrogatories (Dckt. No. 40) is denied.

2. Plaintiff's motion for terminating sanctions and for attorney's fees incurred in connection with preparation for the further depositions of defendants Cooper and Pickering is denied.

3. Plaintiff shall file a declaration stating the cost of the court reporter for the depositions noticed for June 28, 2011. Defendants shall pay said costs.

1 4. After consideration of the totality of the discovery disputes herein, the court finds an
2 award of expenses is not warranted except as provided above.

3 5. No later than July 18, 2011, defendants shall pay to plaintiff the expenses previously
4 awarded on plaintiff's prior motion to compel (Dckt. No. 36).

5 DATED: July 13, 2011.

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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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