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

CARMELO ANTHONY, et al.,

Plaintiffs,

No. CIV S-09-2272 WBS KJM

vs.

LARRY HARMON, et al.,

Defendants.

ORDER

_____/

Plaintiffs’ motion for further deposition of defendant Larry Harmon is pending before the court on the parties’ joint letter brief. Upon review of the brief and the deposition transcript, and good cause appearing, THE COURT FINDS AS FOLLOWS:

By order filed July 6, 2010, plaintiffs were granted leave to conduct the deposition of defendant Larry Harmon for two seven-hour days. After the court granted the two days of deposition, and after the deposition had begun, plaintiffs’ counsel indicated midway through the first day of deposition his plan to seek further time, signaling an intent to not abide by the limitation set by the court or to proceed in good faith in an effort to complete the deposition or use the deposition time most efficiently within the two days allotted. Harmon Depo. at 156:11-13. A review of the entire transcript discloses that plaintiff’s counsel expended an inordinate amount of time attempting to authenticate documents despite the offer from

1 defense counsel to a stipulation regarding authentication. Generally, plaintiffs' counsel's
2 questioning does not appear to have been conducted in a particularly efficient manner.
3 Moreover, the court finds plaintiffs' counsel's contention that defense counsel made time
4 consuming improper objections generally unsupported by the record. Nonetheless, given the
5 issues raised in this litigation and the central role of defendant Larry Harmon in the events giving
6 rise to this action, the court has determined one more day of deposition should be allowed, in
7 addition to the balance of time remaining from the first two days.

8 Accordingly, IT IS HEREBY ORDERED that in addition to the remaining 88
9 minutes previously allowed for deposition of defendant Larry Harmon, plaintiffs are granted one
10 additional seven-hour day to conclude the deposition of defendant Larry Harmon.

11 DATED: December 7, 2010.

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14 U.S. MAGISTRATE JUDGE
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