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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 RENEE' L. MARTIN,
12 Plaintiff,
13 v.
14 LITTON LOAN SERVICING LP, et al.,
15 Defendants.
No. 2:12-cv-970-MCE-EBF PS
ORDER

17 On December 8, 2014, plaintiff, who is proceeding pro se, filed a document with the court
18 entitled Declaration and Request of Plaintiff for an Immediate Order Re: Deposition of Plaintiff
19 Currently Noticed for December 16, 2014. ECF No. 128. Plaintiff states that her deposition was
20 recently noticed for December 16, 2014, by defendant Litton Loan Servicing LP. *Id.* at 1, 8.
21 Plaintiff claims that she informed Litton's counsel that she will be out of town visiting her father
22 who recently suffered a stroke and therefore unavailable to attend her deposition on the date
23 noticed. *Id.* at 2. Thus, there appears to be good cause to continue the date for the deposition to a
24 later date.

25 However, plaintiff also raised another issue. She proposes that her deposition be
26 conducted on any Saturday in January. She asserts that she is not able to be absent from work.
27 *Id.* In an email attached to plaintiff's pleading, which is dated December 3, 2014, Litton's
28 counsel stated that he would be willing to re-notice her deposition for a different date, but insisted

1 that the deposition be completed in December. *Id.* at 8. Counsel further informed plaintiff that he
2 is not able to complete her deposition on a weekend. *Id.* On December 4, 2014, counsel sent
3 plaintiff another email stating that because plaintiff did not respond to the December 3, 2014
4 email, he would be proceeding with the deposition noticed for December 16, 2014, and would file
5 a motion to compel and seek all available sanctions should plaintiff fail to appear. *Id.* at 9.

6 The court construes plaintiff's December 8, 2014 filing as a request to continue her
7 deposition currently noticed for December 16, 2014. ECF No. 128. The court has not yet held a
8 scheduling conference pursuant to Federal Rule of Civil Procedure 16(b). Accordingly, there is
9 no pending discovery cut-off date, and therefore no apparent reason why plaintiff's deposition
10 must be completed in December. Further, given plaintiff's representations regarding her father's
11 health, the court finds good cause for continuing plaintiff's deposition. However, plaintiff's
12 position that her deposition be conducted on a weekend is unreasonable. Plaintiff is admonished
13 that if she wishes to continue to prosecuting her case, she must make herself available for
14 deposition during regular business hours.

15 Accordingly, plaintiff's motion, ECF No. 128, is granted in part and denied in part.
16 Within 7 days of this order, the parties are ordered to meet and confer regarding the scheduling of
17 plaintiff's deposition during the month of January 2015. The deposition is to be completed
18 during normal business hours, Monday through Friday. Plaintiff's motion is denied in all other
19 regards.

20 DATED: December 11, 2014.



21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE
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