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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATHAHN MCELROY,
Plaintiff,
v.
GUSTAFSON, et al.,
Defendants.

No. 2:12-cv-1518-TLN-EFB P

ORDER


Defendants have requested the court to issue an order allowing them to conduct plaintiff’s deposition, which is scheduled for December 3, 2013 at Salinas Valley State Prison, via video conference pursuant to Federal Rule of Civil Procedure 30(b)(4). ECF No. 39. Under Rule 30(b)(4) “[t]he parties may stipulate--or the court may on motion order--that a deposition be taken by telephone or other remote means.” Fed. R. Civ. P. 30(b)(4). Defendants claim that because plaintiff is proceeding pro se and is currently incarcerated, plaintiff “is not reasonably available to stipulate to conduct the deposition via video conference.” ECF No. 39 at 1. Defendants further claim that taking plaintiff’s deposition via video conference would prevent “the unnecessary time and expense that would be required if defendants’ counsel conducted plaintiff’s deposition in person.” *Id.* at 1-2.

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Good cause appearing, defendants' request to conduct plaintiff's deposition via video conference is GRANTED. **Nothing in this Order shall be interpreted as requiring the institution in which Plaintiff is housed to obtain video conferencing equipment if it is not already available.**

DATED: November 25, 2013.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE