



1 otherwise agreed by the parties. Any objections as to insufficient length of notice for  
2 the deposition are waived.

3 2. The deposition of Leon Compton shall take place on October 10, 2013, at 9:30 a.m., in  
4 Modesto, California. The deposition shall not exceed 1 day of 7 hours, unless  
5 otherwise agreed by the parties. Any objections as to insufficient length of notice for  
6 the deposition are waived.

7 3. The deposition of Jeanne Hall shall take place on October 7, 2013, at 9:30 a.m., in  
8 Livermore, California. The deposition shall not exceed 1 day of 7 hours, unless  
9 otherwise agreed by the parties. Any objections as to insufficient length of notice for  
10 the deposition are waived.

11 4. Based on their representations at the conference, the parties are directed to further  
12 meet and confer, and reach appropriate stipulations if possible, with respect to the City  
13 of Ripon's motions to compel responses or further responses to certain interrogatories  
14 and requests for production of documents from defendants. The October 10, 2013  
15 hearing on these motions (ECF Nos. 21, 22) is VACATED and the motions are  
16 DENIED WITHOUT PREJUDICE. These motions may be refiled upon proper notice  
17 if the parties are unable to resolve the issues informally.

18 5. In light of the agreement of the parties at the conference, the City of Ripon is deemed  
19 to have waived the attorney-client privilege and work product protection with respect  
20 to the February 28, 2005 memorandum referenced in defendant Continental Insurance  
21 Company's notice of motion to compel (ECF No. 19) and the parties' joint letter brief  
22 (ECF No. 26.) The waiver does not generally extend to any other privileged or  
23 protected documents or communications, although the court does not make any  
24 definitive determination regarding the exact scope of the waiver at this juncture as it  
25 relates to the content of that memorandum. The City of Ripon shall provide a  
26 substantive response to defendant Continental Insurance Company's Request for  
27 Admission No. 18 within seven (7) days of this order. Continental Insurance  
28 Company's motion to compel such a response (ECF No. 19) is DENIED AS MOOT


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in light of the parties' agreement and this order, and the October 10, 2013 hearing on that motion is VACATED.

- 6. The parties are directed to further meet and confer with respect to the Rule 30(b)(6) depositions of defendants Continental Insurance Company and Travelers Indemnity Company.
- 7. Failure to comply with the terms of this order, as well as general principles of civility, communication, and cooperation as discussed at the conference, may result in the imposition of sanctions against the offending party or parties.
- 8. This order disposes of docket numbers 19, 21, and 22.
- 9. If the parties wish to file a stipulation seeking to extend the pretrial and trial dates in this case in order to provide more time to address the matters discussed herein the court would certainly entertain such a request.

IT IS SO ORDERED.

Dated: October 3, 2013

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE