

1 In support of his current request, counsel for defendant Miranda states, ECF No. 170 at 1-
2 2:

3 At past deposition sessions, White stated that he was unable to
4 answer a substantial number of questions, as his files and materials
5 were not all available. It is anticipated that the same issue will arise
6 if the deposition proceeds without his possession of the documents.
7 ¶ To avoid the need for multiple sessions of the deposition,
8 Miranda requests that the deadline for taking the deposition be
9 extended for 60 days, to allow for delivery of the documents.

10 The court has previously considered and rejected plaintiff's numerous objections to
11 defendants' efforts to resume and conclude plaintiff's deposition. See ECF No. 153 at 5-8
12 (including citations to previous similar orders). Although plaintiff's instant objection signals
13 caution in considering further delays in this action, the court finds good cause to support the
14 following order.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. The October 16, 2015 deadline for conducting plaintiff's deposition is vacated.
17 2. Within twenty-one (21) days after the filing date of this order, Ms. Ellen Hung, the
18 Deputy Attorney General representing the majority of defendants in this action, shall file and
19 serve a statement addressing the following matters:

20 a. Contact with the HDSP Litigation Coordinator (and, if necessary, the CSATF
21 Litigation Coordinator and other appropriate officials with the California Department of
22 Corrections and Rehabilitation) to ascertain the location(s) of all of plaintiff's legal materials
23 pertaining to the instant action; and

24 b. If plaintiff is not in possession of all pertinent legal materials, identifying the missing
25 materials, their location(s), and the date(s) when such documents will be delivered to plaintiff.

26 3. If plaintiff is not in possession of all pertinent legal materials within the twenty-one-
27 day period provided herein, the Deputy Attorney General shall file and serve a statement
28 informing the court and other parties when such materials are delivered to plaintiff; if necessary,
the Deputy Attorney General shall provide status reports every fourteen (14) days until such
materials are delivered to plaintiff.


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4. Within fourteen days after plaintiff is in possession of all pertinent legal materials, counsel for *all* defendants shall file and serve a joint statement informing the court of the date and time scheduled for plaintiff's further and final deposition, which shall be scheduled at the earliest convenience of the parties and HDSP officials.

SO ORDERED.

DATED: October 6, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE