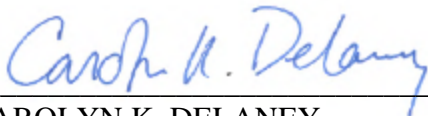




1 November 4, 2016, all of which were after the discovery cut-off. The parties have presently  
2 agreed that Dr. Baladarian will be deposed on November 3, 2016 and the court confirms that the  
3 deposition will proceed forward on that date.

4 Plaintiff, however, contends that she has the right to contest the admissibility of the  
5 deposition in the federal action on the basis that the deposition was conducted after the discovery  
6 cut-off. The undersigned declines to rule on the admissibility of the deposition, as that matter is  
7 properly before the District Court.<sup>1</sup>

8 Dated: October 6, 2016

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10 CAROLYN K. DELANEY  
11 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The court notes, however, that plaintiff's position is tenuous, at best, in light of the prior stipulation of the parties and the unavailability of plaintiff's retained expert for deposition prior to the discovery cut-off.