

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT LEVY,
Plaintiff,
v.
COUNTY OF ALPINE, et al.,
Defendants.

No. 2:13-cv-2643 KJM CKD

ORDER

Pending before the court is defendants’ motion to compel plaintiff’s deposition. Because oral argument is not of material assistance, this matter is submitted on the briefs. E.D. Cal. L.R. 230(g). Upon review of the documents in support and opposition, and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

The parties have filed a joint statement in which the parties stipulate that plaintiff’s deposition has been properly noticed four times. Plaintiff has yet to attend his own deposition, despite attending the depositions of thirteen other witnesses in this matter. Discovery cut-off is currently set for November 9, 2015. It appears that plaintiff will refuse to appear for his deposition absent a court order compelling his attendance.

Accordingly, IT IS HEREBY ORDERED that:

1. Defendants’ motion to compel (ECF No. 14) is granted. No later than January 30, 2015, plaintiff shall appear for his deposition on the date and at the place and time duly noticed

1 by defendants. Plaintiff is cautioned that failure to appear for his deposition may result in a
2 recommendation that this action be dismissed. The depositions of defendants Knorr, Sweeney
3 and Thornburg and the depositions of employees of defendant County of Alpine shall not be
4 taken until completion of the deposition of plaintiff.

5 2. The hearing date of December 17, 2014 is vacated.

6 Dated: November 21, 2014

7 
8 _____
9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
4 levy-alpine.oah.subm