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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERICA AVILA, et al.,
Plaintiffs,
v.
DANIEL MACIEJEWSKI, et al.,
Defendants.

No. 2:14-cv-2284 TLN CKD (TEMP)

ORDER

On November 30, 2015, defendants Daniel Maciejewski and Savage Logistics, LLC, filed an ex parte application for an order compelling the depositions of Erik Simonsen, Aaron LeGasse and North Coast Fabricators’ Rule 30(b)(6) designee[s] prior to the December 3, 2015 discovery deadline in this action. (Dkt. No. 28.) There is not sufficient time for the undersigned to consider and grant defendants’ request prior to the December 3, 2015 deadline.

However, on November 19, 2015, defendants filed a motion to compel these same depositions. (Dkt. No. 23.) The assigned District Judge referred all the contents of that motion “including discovery deadlines that may influence the Court’s Pretrial Scheduling Order,” to the undersigned. (Dkt. No. 24.) Defendants’ motion is currently noticed for hearing before the undersigned on December 23, 2015. (Dkt. No. 25.) Moreover, on November 24, 2015, the parties filed a stipulation for “a limited extension of fact discovery” to allow the parties to “hold the depositions of Aaron LaGasse, Eric Simonsen and the four ‘persons most knowledgeable ...’”

1 (Dkt. No. 26 at 3.)

2 In this regard, although there is not sufficient time for the undersigned to consider
3 defendants' ex parte request, the undersigned is authorized to hear defendants' motion to compel
4 and consider reopening discovery, if appropriate, to allow for the depositions at issue. Moreover,
5 it appears that the parties' stipulation, currently under consideration by the assigned District
6 Judge, may resolve their dispute.

7 Accordingly, IS IT HEREBY ORDERED that defendants' November 30, 2015 ex parte
8 application (Dkt. No. 28) is denied.

9 Dated: December 2, 2015



10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE

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