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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,
Plaintiffs,
v.
MICHAEL DEMARTINI, et al.,
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

Pending before the court is defendants’ motion to compel further deposition of plaintiff Margie DeMartini. The motion was submitted on the briefs. E.D. Cal. L.R. 230(g). Upon review of the documents submitted in support and opposition, and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

Defendants move to compel the further deposition of plaintiff Margie DeMartini. Defendants contend that plaintiff’s counsel made hundreds of unnecessary objections, coached the deponent and improperly instructed the deponent to not answer questions seeking non-privileged information. Although defendants have not set forth the specific questions at issue, defendants have provided what they contend are illustrative examples of unwarranted interference with their deposition questions.

The court has reviewed the entirety of the transcript of the deposition of plaintiff Margie DeMartini, taken on January 12, 2017 in Reno, Nevada. The court finds the conduct of plaintiff’s

1 counsel to be well within the bounds of professional conduct. While the court does not on this
2 motion rule on the specific objections, which are a matter for the trial court, should the deposition
3 be used at trial, the objections made generally appear to be well founded, or at the minimum,
4 those that would be made by a vigorous advocate. Nor does it appear that plaintiff's counsel
5 engaged in unwarranted coaching of the deponent. Defendants have been afforded a full and fair
6 opportunity to depose plaintiff Margie DeMartini. No further deposition will be allowed.

7 Defendants have also requested an extension of the discovery cut-off. Upon review of the
8 entire docket and consideration of the discovery necessary in this case and the amount of time this
9 matter has been pending, the court finds defendants have failed to show good cause for further
10 modification of the scheduling order. The motion will therefore be denied.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Defendants' motion to compel (ECF No. 181) is denied; and
- 13 2. Defendants' motion for extension of time (ECF No. 189) is denied.

14 Dated: February 14, 2017

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17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE

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