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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NUTRITION DISTRIBUTION, LLC,
Plaintiff,
v.
ENHANCED ATHLETE, LLC, et al.,
Defendants.

No. 2:17-cv-01491-TLN-KJN

ORDER

Presently pending before the court are plaintiff's motion to compel compliance with the subpoena of nonparties (ECF No. 85); motion to compel the 30(b)(6) deposition of defendants and for sanctions for failing to produce appropriate deponents (ECF Nos. 86, 89); and motion for leave to take deposition of incarcerated defendant Scott Cavell (ECF Nos. 87-88). This matter came on regularly for hearing on October 11, 2018, at 10:00 a.m. Robert Tauler appeared telephonically on behalf of plaintiff. No one appeared on behalf of defendants. According to plaintiff, defendants have not opposed these motions. (See ECF Nos. 88 at 2; 89 at 2.)

After carefully considering the briefing and plaintiff's oral argument, and for the reasons stated on the record at the hearing, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to compel compliance with the subpoena of nonparties (ECF No. 85) is DENIED without prejudice subject to renewal.
2. Plaintiff's motion to compel the 30(b)(6) deposition of defendants and for sanctions

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(ECF Nos. 86, 89) is GRANTED.


- a. Defendants shall produce appropriate deponents—including but not necessarily limited to Scott Cavell—for plaintiff’s deposition of defendants, pursuant to Federal Rule of Civil Procedure 30(b)(6).
- b. Defendants shall pay plaintiff \$1,495 for the attorney’s fees incurred in bringing this motion.

3. Plaintiffs’ motion for leave to take the deposition of incarcerated defendant Scott Cavell (ECF Nos. 87-88) is GRANTED.

- a. Before noticing the deposition, plaintiff shall work with the litigation coordinator at the facility where Mr. Cavell is being held and establish the details regarding how, where, and when the deposition will occur.
- b. Plaintiff shall provide these details to the court with ample notice, so that the court may issue a writ in furtherance of this deposition.

IT IS SO ORDERED.

Dated: October 16, 2018


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE