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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 Carlos Castro,

15 Plaintiff,

16 v.
17

18 Cal Terhune, Director, California Department
of Corrections, Bonnie G. Garibay; J.
Batchelor; S. C. Wolhwend; A. Scribner; J.
19 Stokes; M. Yarborough; L. Hood; C. Campbell;
A. M. Gonzalez; M. Ayala; E. Derusha, c/o
20 Robert L. Ayers, Warden; J. Martinez

21 Defendants.
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Case No. 3:98-CV-04877-WHA

~~PROPOSED~~ ORDER REGARDING
MAY 21, 2010 HEARING ON
PLAINTIFF'S MOTIONS TO
COMPEL

1 Pursuant to the May 24, 2010 hearing on Plaintiff's motions to compel production of
2 documents and deposition testimony, the Court hereby orders:

3 (1) Defendants waived the attorney-client privilege with respect to the subject matter of
4 the involvement of the Office of the Attorney General in and leading up to the re-validation of
5 Plaintiff as a prison gang associate in August/September, 2009. Defendants shall submit
6 documents withheld as privileged for in camera review on May 28, 2010 so that the Court may
7 determine whether they fall within the subject matter of the waiver. On May 28, 2010 Plaintiff
8 shall submit excerpts of depositions where witnesses were instructed not to answer questions on
9 attorney-client privilege grounds so that the Court can determine whether the deposition should
10 be reopened and the questions allowed because the subject matter of the underlying question has
11 been waived.

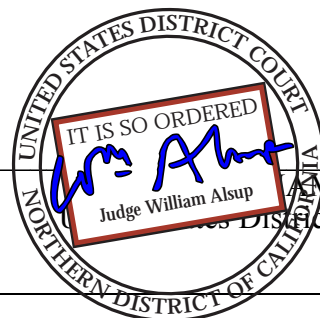
12 (2) Defendants shall take Mr. Castro's deposition on May 25, 2010.

13 (3) Defendants shall produce to Plaintiff documents that state the reason for denying Mr.
14 Castro's mother's visitation of Mr. Castro and documents that propose to terminate Mr. Castro's
15 mother's visitation rights and state a reason for it.

16 (4) Plaintiff shall be permitted to take an additional four depositions. Although the
17 parties failed to raise the issue, to afford adequate time to conduct the depositions, the non-expert
18 discovery cut-off shall be extended to June 14, 2010. If any witness is not available until after
19 June 14, 2010, their deposition shall be conducted as soon as practicable thereafter. Similarly, the
20 last date for designation of expert testimony and disclosure of full expert reports under FRCP
21 26(a)(2) shall be extended to June 14, 2010 so that the additional deposition testimony can be
22 utilized in the expert reports. All other expert-discovery deadlines shall similarly be extended.
23 No other deadlines set forth in the Court's January 22, 2010 Order shall be altered at this time.

24 **IT IS SO ORDERED.**

25
26 Dated: June 3, 2010.



WM ALSUP
District Court Judge