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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 EMIL ALPERIN, et al.,

No. C-99-04941 MMC (EDL)

9 Plaintiff,

**ORDER REGARDING JOINT LETTER
REQUESTING RULE 30(b)(6)
DEPOSITIONS AND DOCUMENTS**

10 v.

11 ORDER OF FRANCISCANS MINOR, et al.,

12 Defendants.
13 _____/

14 Plaintiffs and Defendant Order of Franciscans Minor (“OFM”) have filed a joint letter,
15 indicating that Plaintiffs seek an order for Rule 30(b)(6) depositions of OFM and the OFM Province
16 of St. Barbara following written discovery pursuant to the Court’s July 21, 2008 Order. OFM points
17 out that Plaintiffs did not request production of all non-public documents that were identified in
18 OFM’s responses to interrogatories. Plaintiffs have not demonstrated that the written discovery was
19 inadequate.

20 The Court has received a letter dated November 10, 2008, lodged by counsel for The
21 Franciscan Friars of California, Inc. and Father Melvin Jurisich. Their counsel represents to the
22 Court that the Province of St. Barbara is a canonical entity only and does not exist in civil law.
23 Counsel further represents that if the Court determines that Plaintiffs are entitled to some deposition
24 discovery concerning the Province, such discovery should be obtained either through a Rule
25 30(b)(6) deposition of The Franciscan Friars of California, Inc., a California Religious Corporation,
26 or through a deposition of the Provincial Minister, Fr. Jurisich.

27 Plaintiffs’ request for an order compelling Rule 30(b)(6) deposition of OFM is denied
28 without prejudice. By November 24, 2008, OFM shall produce documents that are not available on

1 its website that it identified in its responses to the interrogatories. By December 8, 2008, Plaintiffs
2 shall determine whether the documents are sufficient to satisfy the jurisdictional questions at issue.
3 Should Plaintiffs contend that the written discovery is inadequate at that point, the parties shall
4 further meet and confer and file a joint letter regarding the dispute by December 22, 2008.

5 Plaintiffs may, for the purpose of jurisdictional discovery, take a Rule 30(b)(6) deposition of
6 The Franciscan Friars of California, Inc., and/or a deposition of Fr. Jurisich.

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IT IS SO ORDERED.

Dated: November 17, 2008

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge