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4 **UNITED STATES DISTRICT COURT**  
5 **NORTHERN DISTRICT OF CALIFORNIA**  
6 **SAN FRANCISCO DIVISION**

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8 DELPHINE ALLEN, and others,

9 Plaintiffs,

10 v.

11 CITY OF OAKLAND, and others,

12 Defendants.

Case No. 00-4599 TEH (NC)

**ORDER DENYING WITHOUT  
PREJUDICE MOTION TO  
COMPEL DEPOSITION OF  
OAKLAND MAYOR  
JEAN QUAN**

Re: Dkt. No. 722

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15 The Court addresses the plaintiffs' motion to compel the deposition of Oakland  
16 Mayor Jean Quan. Dkt. No. 722. As the City has agreed to produce Mayor Quan for a  
17 deposition on September 25, the Court finds that there is no present controversy that  
18 requires Court action. If Mayor Quan fails to appear for a deposition by September 25,  
19 the motion to compel may be revived and the Court will consider punitive sanctions. At  
20 that time, the Court would take into consideration that the deposition was previously  
21 schedule on August 30.

22 The City, despite agreeing to produce Mayor Quan for a deposition, nevertheless  
23 cites to various authorities for the proposition that the deposition should be blocked  
24 because it will burden the Mayor. Dkt. No. 724 at p. 3. These objections are poorly  
25 timed and not well supported. The City could have filed a motion for protective order as  
26 soon as plaintiffs noticed the Mayor's deposition. It did not do so. The Court therefore  
27 expects that Mayor Quan will appear for her deposition on or before September 25.

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1 For these reasons, the hearing scheduled for September 10 is VACATED and the  
2 motion to compel is DENIED without prejudice.

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4 DATED: September 7, 2012

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6 NATHANAEL M. COUSINS  
7 United States Magistrate Judge  
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