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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAHINAH IBRAHIM,
Plaintiff,

No. C 06-00545 WHA

v.

ORDER RE DEPOSITION OATH

DEPARTMENT OF HOMELAND
SECURITY, et al.,
Defendants.

According to plaintiff, the parties dispute whether plaintiff’s July 5 deposition testimony will be admissible at trial if the oath is administered by a United Kingdom notary public instead of a United States consular officer (Dkt. No. 493). The government responds that it has not yet made its objection; rather, it merely reserves the right to object to the admissibility of the deposition testimony and to the weight it should be accorded if the oath is *not* administered by a consular officer (Dkt. No. 496).

If the parties cannot stipulate to the officer administering the oath and its effect on admissibility before the deposition begins, then the Court recommends that the deposition not go forward until the issue can be properly briefed in detail by both sides. Without the benefit of proper briefing, the Court is unable to advise counsel as to admissibility. If counsel do go

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forward with the deposition, it must be at the peril of both sides. It was unreasonable to present this issue to the Court on Friday evening and expect the Court to research this issue on its own and then give an advisory opinion.

IT IS SO ORDERED.

Dated: July 2, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE