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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEVERLY KANAWI, et al.,

Plaintiffs,

v.

No. C 06-05566 CRB (EDL)

**ORDER RE: PLAINTIFFS' SEPTEMBER 5,  
2008 LETTER**

BECHTEL CORP., et al.,

Defendants.

On September 4, 2008, Plaintiffs filed a letter brief raising three discovery disputes. The next day, Plaintiffs filed another letter brief raising three additional discovery disputes in a cursory fashion. On September 8, 2008, Defendants Fremont and Bechtel filed letter briefs in response, including assertions that Plaintiffs did not comply with the meet and confer requirement before filing their September 5, 2008 letter. The Court has carefully reviewed the letters and has concluded that they do not provide sufficient information for the Court to rule on the disputes. Accordingly, lead counsel are ordered to meet and confer immediately in person or by telephone regarding these issues, which the Court expects them to resolve without further court intervention. To the extent that any disputes remain after that meet and confer process, those disputes shall proceed by noticed motion, which the Court will hear on shortened time.

The Court offers the following guidance on the issues raised by Plaintiffs. With respect to instructions not to answer, Federal Rule of Civil Procedure 33(c)(2) provides that: "A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under Rule 30(d)(3)." Relevance is not a proper basis

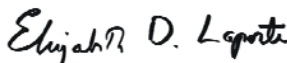
1 for an instruction not to answer. Further, the protective order in this case would address any privacy  
2 or confidentiality issues relating to deposition testimony.

3 With respect to Defendants' objections to Plaintiffs' Rule 30(b)(6) notices, Plaintiffs fail to  
4 state which objections lack merit. As part of the meet and confer process, Defendants should  
5 identify the objections on which they continue to rely.

6 Finally, the Court is disappointed that the parties think they require the Court's assistance  
7 regarding the question of the location of expert witness depositions. The parties are encouraged to  
8 compromise. The general rule would favor most depositions taking place in San Francisco, but  
9 some exceptions may be appropriate. In particular, it appears reasonable for Plaintiffs' expert in  
10 New York to be deposed in the Northeast.

11 **IT IS SO ORDERED.**

12 Dated: September 10, 2008

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15 ELIZABETH D. LAPORTE  
16 United States Magistrate Judge  
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