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

ALISE MALIKYAR,

Plaintiff,

No. C 07-03533 WHA

v.

JOHN SRAMEK, BERNADETTE
SRAMEK, HAROLD M. JAFFE, JOHN
S. SRAMEK, JR., and BERNADETTE
D. SRAMEK REVOCABLE LIVING
TRUST, and DOES 1-100,

Defendants.

**FURTHER ORDER RE
DEPOSITION OF
ALISE MALIKYAR**

The Court has received a letter from plaintiff Alise Malikyar dated March 4, 2009. This letter states that she desires to have an interpreter at her deposition and proposes that the other side pay for the cost of an interpreter. The Court has also received a motion for protective order from plaintiff Malikyar which also states the same thing. Both motions are **DENIED**. The Court has read the transcript of Ms. Malikyar's testimony in the bankruptcy court and it is obvious that she is sufficiently fluent in English to be deposed in English. If she truly does not understand a question, then she may so state and the questioner will have to rephrase the question. Of course, if she does so, the questions and answers and her statements about not understanding the question may be read to the jury and the jury will be allowed to consider whether she is simply trying to evade her discovery obligations. If Ms. Malikyar truly wants an interpreter present, she can pay for one and arrange for one herself. Because this will slow

1 down the deposition, the deposition may be taken for eight hours instead of four if an interpreter
2 is used; otherwise it will be four hours.

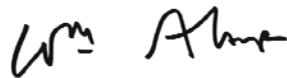
3 The Court will, however, allow the deposition to go forward at a time more convenient
4 for Ms. Malikyar. Rather than on March 11, the deposition will now go forward on March 10 to
5 suit her at 9:00 a.m. All other objections are **OVERRULED** and Ms. Malikyar is **ORDERED** to
6 appear on March 10 at Mr. Wessel's law office and to be deposed. Failure to do so may mean
7 that her case will be dismissed with prejudice.

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9 **IT IS SO ORDERED.**

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11 Dated: March 5, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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