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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS VILLEGGIANTE,  
Plaintiff,

No. C-07-4864 SC (EMC)

v.

HYUNDAI MERCHANT MARINE CO.  
LTD., *et al.*,  
Defendants.

**ORDER DENYING PLAINTIFF'S  
MOTION FOR PROTECTIVE ORDER;  
AND DENYING PLAINTIFF'S MOTION  
FOR SANCTIONS**

**(Docket Nos. 19-20)**

Having considered the parties' briefs and accompanying submissions, as well as the oral argument of counsel, the Court hereby **DENIES** Plaintiff's motion for protective order and further **DENIES** Plaintiff's motion for sanctions.

The deposition of Anil Samyal shall proceed, either on September 10 or 11, 2008. Plaintiff conceded that this schedule can be accommodated. Mr. Samyal's availability is limited. His testimony is relevant. The parties have, for some time, anticipated this deposition. Defendants provided the maximum advance notice practicable under the circumstances. The parties shall meet and confer to determine on which exact date the deposition shall take place. The total time for which Mr. Samyal shall be deposed shall be split equally between Plaintiff and Defendants. Plaintiff is entitled to question Mr. Samyal first as Plaintiff was the party to notice Mr. Samyal's deposition first.

The parties shall immediately meet and confer regarding the documents that Plaintiff asserts he needs in order to take the deposition of Mr. Samyal -- including the port and company

1 regulations. Plaintiff shall offer to narrow the request; Defendant shall in good faith provide  
2 regulation in its possession relevant to the incident in question. If the parties cannot resolve the  
3 dispute regarding the documents, then they shall fax *and* e-file a joint letter by 12:00 p.m.,  
4 September 9, 2008, describing what the remaining dispute is and the parties' respective positions.  
5 The letter shall be no longer than two single-spaced pages.

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7 IT IS SO ORDERED.

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9 Dated: September 8, 2008



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11 EDWARD M. CHEN  
United States Magistrate Judge

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