

United States District Court  
For the Northern District of California

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

CHERYL COTTERILL,

Plaintiff,

No. C 08-02295 JSW

v.

CITY AND COUNTY OF SAN FRANCISCO,  
ET AL.,

**ORDER RE DEPOSITION  
DISPUTE**

Defendants.

Now before the Court is a joint letter from the parties dated November 26, 2008 regarding Plaintiff’s notices of deposition for defendants Mayor Gavin Newsom, Chief of Police Heather Fong and Director of Public Health Mitchell Katz. These heads of government agencies or high-ranking government officials are not normally subject to deposition. *See, e.g., Kyle Engineering Co. v. Kleppe*, 600 F.2d 226, 231 (9th Cir. 1979). “The rationale pursuant to this policy is that such officials must be free to conduct their jobs without the constant interference of the discovery process.” *Church of Scientology of Boston v. Internal Revenue Service*, 138 F.R.D. 9, 12 (D. Mass. 1990). To justify the taking of such a high-ranking government official’s deposition, a party must show that the official possesses particular information necessary to the development or maintenance of the party’s case which cannot reasonably be obtained by another discovery mechanism. *See Alexander v. Federal Bureau of Investigation*, 186 F.R.D. 1, 4 (D.D.C. 1998) (“There is substantial case law standing for the proposition that high ranking government officials are generally not subject to depositions


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unless they have some personal knowledge about the matter and the party seeking the deposition makes a showing that the information cannot be obtained elsewhere.”)

Plaintiff has made no such showing. Therefore, the Court DENIES her motion to compel the depositions of Mayor Gavin Newsom, Chief of Police Heather Fong and Director of Public Health Mitchell Katz. The Court finds that sanctions are not warranted.

**IT IS SO ORDERED.**

Dated: December 3, 2008

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE