

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

VALERIE GEORGE, et al.,

No. C-08-02675 EDL

Plaintiffs,

**ORDER RE: PLAINTIFFS’ OCTOBER
15, 2009 LETTER**

v.

SONOMA COUNTY SHERIFF’S DEPT., et al.,

Defendants.

On July 27, 2009, Plaintiffs deposed Defendant James Luders, a physician at the Sonoma County Detention Center, for at least seven hours. On October 15, 2009, Plaintiffs sent a letter to the Court seeking leave to depose Defendant Luders for an additional three hours. On October 19, 2009, Defendant Luders sent a letter to the Court opposing the request for additional deposition time. The Court has reviewed the parties’ letters, and requires more information before reaching a decision on Plaintiffs’ request.

Preliminarily, the Court notes that Plaintiffs purport to have sent their letter pursuant to Civil Local Rule 37-1(b) and paragraph 2(f) of this Court’s Case Management Order. Those authorities, however, permit parties to seek court intervention during a discovery event, such as a deposition, which is not the case here. The Court has not given the parties leave to present discovery disputes to the Court by letter brief. If the parties have a dispute, they should conform with the Federal Rules of Civil Procedure and the Civil Local Rules to file an appropriate motion. The Court will not entertain letter briefs in the future.

The Court is mindful that Plaintiffs describe Defendant Luders as a “key witness” and a “central actor in this case.” However, the Court is troubled that Plaintiffs delayed in seeking additional deposition time for more than ten weeks. The Court is also concerned by Defendant

1 Luders' arguments that Plaintiffs wasted time in the July 2009 deposition by asking questions about
2 irrelevant issues and by engaging in discussions between counsel and his staff about documents and
3 lines of questioning. Defendant Luders did not provide the Court with the deposition transcript, so
4 the Court cannot evaluate his arguments. Accordingly, no later than October 26, 2009, Defendant
5 Luders shall provide excerpts from the deposition testimony to support his arguments. Plaintiffs
6 may respond by a letter of no more than two pages no later than October 28, 2009. The Court will
7 decide this matter on the papers.

8 **IT IS SO ORDERED.**

9 Dated: October 21, 2009

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

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