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 BAYER HEALTHCARE LLC and
 6 CHRISTOPHER K. LOO

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 ZATREA EVANS,)
 11)
 Plaintiff,)
 12)
 vs.)
 13)
 ALLIED BARTON SECURITY SERVICES)
 14 LLP, BAYER HEALTHCARE, JOHN FISTER,))
 KELLY MURCRAY, CHRIS LOO,)
 15 SARGEANT JOHNSON, JASON)
 KANEFKSY, MARLON STEVENS, ARCHIE)
 16 BRUMFIELD, HERBERT WILLIAMS, and)
 DOES 1-100,)
 17)
 Defendants.)
 18)

CASE NO. CV 08 4993 MMC JL
~~PROPOSED~~ ORDER COMPELLING
 PLAINTIFF TO ATTEND
 DEPOSITION AS NOTICED BY
 BAYER HEALTHCARE LLC AND
 CHRISTOPHER K. LOO

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19
 20 **ORDER**

21 This matter is before this Court on the referral of District Court Judge Maxine M.
 22 Chesney (Docket # 68).

23 Defendants Bayer Healthcare LLC (at times, "Bayer") and Christopher K. Loo
 24 (collectively, herein, for ease of reference, at times, "Bayer/Loo") previously moved this Court,
 25 on two separate occasions (Dockets # 52 and # 55), for an order compelling Plaintiff to attend
 26 deposition under their June 9, 2009 Notice of Deposition and Request for Production of
 27 Documents at Deposition (the "Deposition Notice").
 28

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1 On July 29, 2009, this Court issued a Discovery Order (Docket # 61) adjudicating such
2 disputes. In that Order, among other things, this Court ordered Plaintiff to submit for an
3 additional (up to) 7 hours of deposition inquiry by Bayer and Loo to be completed by August 10,
4 2009, unless the then current August 10, 2009 percipient discovery cut-off date were extended.
5 This Court also opined that it would support to Judge Chesney an extension of such date.

6 Bayer/Loo then attempted to (a) seek Plaintiff's stipulation to extend the discovery cut-
7 off date and set a mutually convenient time for deposition, or (b) conduct the deposition in
8 conformance with the August 10, 2009 discovery cut-off date. Plaintiff failed to respond to both
9 those requests and thus violated this Court's Discovery Order (Docket # 61).

10 Accordingly, Bayer/Loo filed a Motion to Modify Case Management Dates and for
11 Related Relief before Judge Chesney (Docket # 63) seeking, among other things, to (1) modify
12 the previously set August 10, 2009 percipient discovery cut-off date, and (2) again compel
13 Plaintiff to appear at deposition. On August 13, 2009, Judge Chesney issued an Order (Docket #
14 68) Granting Requests to Extend Deadlines; Referring to Magistrate Judge Larson Request for
15 Order Compelling Attendance at Deposition; Referring to Magistrate Judge Spero Request to
16 Continue Settlement Conference.

17 Accordingly, this Court hereby ORDERS Plaintiff to appear for up to seven additional
18 hours of deposition by Bayer/Loo to be conducted on September 8, 2009, commencing at 9:30
19 a.m., at the office of counsel of record for Bayer/Loo. At such deposition, Plaintiff shall
20 additionally comply with the requests for documents as made by Bayer/Loo in their Deposition
21 Notice.

22 IT IS SO ORDERED.

23 Dated: August 19, 2009



JAMES LARSON
UNITED STATES DISTRICT JUDGE