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

KIMBERLY D. ROBERTS,

No. C 08-05787 WHA

Plaintiff,

v.

**ORDER COMPELLING
PLAINTIFF'S COMPLIANCE
WITH DISCOVERY**

SF CITY & COUNTY,

Defendant.

A hearing was held on defendant's discovery dispute on September 29, 2009. Plaintiff did not appear. At the hearing, the Court tentatively ordered that plaintiff must respond to defendant's discovery requests by October 19, 2009, and plaintiff must appear for a deposition on November 2, 2009.

After the hearing, the Court received a faxed letter from plaintiff seeking to have her absence excused. A subsequent order provided plaintiff with more time to file an opposition to defendant's request for discovery relief and set the opposition deadline for October 9, 2009. Plaintiff timely filed an opposition.

In her opposition, plaintiff only objects to the November 2 deposition date. She states the following, in pertinent part (Dkt. No. 29 at 2):

Due to the plaintiff's medical disability which was sustained during her employment. Ms. Roberts is unable to attend the deposition set by the defendant on November 2, 2009. Especially, since the plaintiff is without counsel.

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The plaintiff has contacted an attorney by the name of Ms. Linda Cox Cooper. . . . Ms. Cooper stated she is interested in pursuing this civil case in the Northern District Court. However, Ms. Cooper is not available to attend the deposition set for November 2, 2009.


The previous order herein advised plaintiff that it is no excuse that she does not have a lawyer. Because of the asserted conflict, the deposition will be set for a different date. Plaintiff is hereby ordered to appear and answer questions at a deposition on **MONDAY, NOVEMBER 9, 2009, AT 9:00 A.M.** at the Office of the City Attorney, 1390 Market Street, 7th Floor, San Francisco, CA 94102.

As to defendant's discovery requests, plaintiff provided no reason for her failure to respond. Thus, plaintiff is hereby ordered to respond to defendant's interrogatories and document requests in full no later than **FRIDAY, OCTOBER 30, 2009.**

Plaintiff is hereby warned that she has the burden of complying with her discovery obligations. Failure to do so will lead to dismissal of her case with prejudice.

IT IS SO ORDERED.

Dated: October 20, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE