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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IGUACU, INC.,  
  
Plaintiff,  
  
v.  
  
ANTONIO CABRERA MANO FILHO,  
  
Defendant.

Case No. 09-cv-0380 RS (NC)

**ORDER DENYING REQUEST  
FOR TELEPHONIC  
DEPOSITION**

Re: Dkt. Nos. 208, 210

On August 27, 2012 plaintiff Iguacu Inc. filed a request for court order to take the telephonic deposition of third-party witness Luiz Lopes on August 29, 2012. Dkt. No. 208. The Court held a telephonic hearing on shortened notice on August 28, 2012.

Plaintiff Iguacu’s motion to take the telephonic deposition of third-party witness Luiz Lopes on shortened notice is DENIED as plaintiff provided insufficient notice to allow defendant Cabrera to prepare for the deposition. Of particular significance, the proposed deposition involves documents in a foreign language, and complex financial statements that were first provided to the parties just two days before the proposed deposition. In addition, plaintiff has other means of discovery of the desired information, including through letters rogatory, depositions by consent of Lopes, and 30(b)(6) deposition.

1 In sum, if Lopes is a critical witness, plaintiff should have provided notice of this  
2 importance long before the discovery cut-off and without need for an emergency motion.

3 IT IS SO ORDERED.

4 DATED: August 28, 2012



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6 NATHANAEL M. COUSINS  
United States Magistrate Judge

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