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

TIMOTHY MITCHELL, SR., et al.

No. C 09-00794 SI

Plaintiffs,

ORDER RE: EXTENSION OF TIME FOR DEPOSITION

v.

CITY OF PITTSBURG, et al.,

Defendants.

On May 24, 2012, plaintiffs’ counsel Steven Yourke submitted a letter to the Court requesting an extension of time to complete the deposition of Louis Lombardi. Yourke informs the Court that during the May 18, 2012 deposition of Lombardi, Lombardi’s counsel Peter Edrington objected to Lombardi’s answering any questions relating to Commander Norman Wielsch, out of fear that such answers may affect Lombardi’s plea agreement. Edrington has since been informed by the U.S. Attorney’s Office that it has no objection to Lombardi’s testifying at deposition about Commander Wielsch. However, when Yourke attempted to make arrangements to complete the deposition, he was informed that Lombardi has been transferred to an undisclosed, out-of-state federal prison. Yourke requests a 90-day extension of time to complete the deposition. Edrington informs the Court via a May 25, 2012 letter that he will have the particulars regarding Lombardi’s specific location by this week, and requests that Yourke be required to complete the deposition within 10 days of his sharing that information with Yourke.


Once Edrington shares with Yourke the location of Lombardi, Yourke shall have 30 days to complete the deposition. Considering the limited nature of the information Lombardi has left to testify

United States District Court
For the Northern District of California

1 to, and the expense to the parties of arranging an in-person deposition, the Court recommends that
2 plaintiffs engage in a telephonic or written deposition of Lombardi, which may be coordinated with the
3 prison officials. The Court can provide an Order to that effect if necessary.
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5 **IT IS SO ORDERED.**

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7 Dated: May 31, 2012



8 SUSAN ILLSTON
9 United States District Judge
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