

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WANDA JOHNSON, *et al.*,  
  
Plaintiffs,  
  
v.  
  
BAY AREA RAPID TRANSIT DISTRICT,  
*et al.*,  
  
Defendants.  
  
\_\_\_\_\_  
AND RELATED ACTIONS.  
\_\_\_\_\_

No. C-09-0901 EMC  
  
**CONSOLIDATED CASES**  
  
C-09-4014 EMC (Grant)  
C-09-4835 EMC (Bryson, *et al.*)  
C-10-0005 EMC (Caldwell)  
  
**ORDER RE ANTHONY PIRONE'S  
AVAILABILITY**

On June 4, 2014, this Court conditionally granted then-Defendant Anthony Pirone's motion to quash Plaintiffs' subpoena. Dkt. No. 487, at 7. Specifically, the Court stated:

[T]he motion to quash the subpoena to Anthony Pirone is conditionally **GRANTED**. Counsel for Pirone is **ORDERED** to inform the Court and the parties *immediately* upon Pirone's return to the United States (even if he remains deployed on active military duty) at which point he is subject to the subpoena. To fulfill this order, it is expected that counsel will remain in as frequent communication with Pirone as is reasonably feasible given his situation.


*Id.* (emphasis in original). Although Pirone has been dismissed from this action, he is a percipient witness to the events at issue in this litigation and remains under subpoena.

The Court has made frequent inquiries to Defendants' counsel regarding the status of Pirone's deployment which has, in turn, required them to contact Pirone's attorney, Mr. William R. Rapoport. Given the remaining trial schedule, the Court finds it desirable to streamline the process of determining Pirone's status. Accordingly, Mr. Rapoport is hereby **ORDERED** to file a status report on Pirone's status (specifically whether he is in the United States and, if not, when he is anticipated

1 to return). This status report will include a description of the efforts Mr. Rapoport undertook to get  
2 in contact with Pirone and whether these efforts were successful. These status reports shall be filed  
3 daily with the Court by 9:00pm and shall continue through June 30, 2014.

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5 IT IS SO ORDERED

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7 Dated: June 23, 2014

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EDWARD M. CHEN  
United States District Judge

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