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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 FREDDIE M. DAVIS,
9 Plaintiff,

10 v.

11 PRISON HEALTH SERVICES, *et al.*,
12 Defendants.
13 _____/

No. C 09-2629 SI

**ORDER GRANTING IN PART
DEFENDANTS' REQUEST TO
ENLARGE THE TIME OF PLAINTIFF'S
DEPOSITION**

14 Defendants seek to enlarge plaintiff's deposition by an additional three and a half hours. In
15 2008, plaintiff was deposed for a total of approximately sixteen hours, on October 27, 2010, plaintiff
16 was deposed for an additional three and a half hours, and on November 4, 2010, plaintiff was deposed
17 for approximately two hours. The November 4, 2010 deposition was cut short (the parties disagree
18 why), and a further one and a half hour deposition of plaintiff will be scheduled in January 2011.
19 Defendants seek to enlarge that further deposition by an additional three hours on the ground that during
20 the November 4, 2010 deposition, plaintiff's attorney used up a considerable amount of time with
21 baseless objections. Defendants state that the additional time is needed because not all counsel for the
22 seven defendants have been able to question plaintiff about new allegations and claims raised in the
23 second amended complaint.

24 Plaintiff asserts that any further deposition is unnecessary, burdensome and harassing. Plaintiff
25 argues that counsel's objections were well-founded, and asserts that defense counsel have engaged in
26 "long ranting speeches" that have needlessly consumed deposition time.

27 The Court has reviewed the submitted deposition excerpts, and finds that while some objections
28 by plaintiff's counsel may have merit, others do not. For example, when defense counsel asked plaintiff

1 whether anything would refresh her memory (after plaintiff answered that she did not remember),
2 plaintiff's counsel objected "lacks foundation, calls for speculation." Depo. at 1039:6-7. This objection
3 is without merit, and these and similar objections wasted time. Accordingly, the Court finds it
4 reasonable to grant defendants' request for additional time. However, in light of the significant amount
5 of time already spent deposing plaintiff, the Court will only grant an additional two hours of deposition
6 time. The Court strongly advises all counsel to conduct the remaining deposition time efficiently,
7 without unnecessary colloquy between counsel, and without any counsel interposing baseless objections.

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9 **IT IS SO ORDERED.**

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11 Dated: December 22, 2010



SUSAN ILLSTON
United States District Judge