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

6 THE ANSCHUTZ CORPORATION,

No. C 09-03780 SI

7 Plaintiff,

ORDER RE EMERGENCY MOTION

8 v.

9 MERRILL LYNCH & CO., et al.,

10 Defendants.
11 _____/


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13 Currently before the Court is plaintiff's request to file an Emergency Motion to Preclude
14 Improper Deposition Defense. Docket No. 427. Plaintiff's request is GRANTED and plaintiff may file
15 its motion, attaching excerpts from the deposition, as soon as practicable. Defendant shall file a
16 response to that motion within twenty-four hours after plaintiff's motion is filed.

17 With respect to the request to file under seal, plaintiff shall follow this Court's procedures for
18 filing under seal (*see* Standing Order, ¶ 3; Local Rule 79-5 and General Order 62), which require the
19 Court to review the materials requested to be sealed, and issue an appropriate order, after those materials
20 are first lodged with the Court.

21 Finally, the Court cautions both parties that it will take any improper interference with the taking
22 of depositions – as well as unfounded allegations of interference – very seriously. Any improper
23 conduct can result in sanctions and reopening of depositions. Counsel shall limit their objections to
24 issues of privilege and shall refrain from coaching witnesses. Counsel for all parties should strive to
25 maintain civility at all times.

26 **IT IS SO ORDERED.**

27 Dated: June 5, 2012

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SUSAN ILLSTON
United States District Judge