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

VIESTE, LLC, ET AL.,

Plaintiffs,

v.

HILL REDWOOD DEVELOPMENT, ET AL.,

Defendants.

No. C-09-04024-JSW (DMR)

**ORDER SETTING DATE AND
LOCATION FOR DEPOSITION OF
STEVEN FISHMAN**

Before the Court is Plaintiffs' August 2, 2010 letter brief requesting an order to compel the deposition of Mr. Steven Fishman on August 12, 2010 in San Francisco, California (Docket No. 106). Defendants filed a reply letter brief on August 3, 2010 (Docket No. 112).

Upon review of the parties' letter briefs and consideration of the arguments of counsel during the August 4, 2010 telephonic hearing on the matter, the Court hereby orders that Defendants produce Mr. Fishman for deposition on August 14, 2010 in Philadelphia, Pennsylvania. Plaintiffs began discussing the scheduling of Mr. Fishman's deposition with Defendants in May 2010. Mr. Fishman's deposition subsequently was scheduled, noticed and then cancelled four times, each time at Defendants' behest. Plaintiffs have articulated their reasons for taking Mr. Fishman's deposition, as well as their desire to schedule the deposition in time to propound follow-up discovery in compliance with the September 17, 2010 discovery cut-off. Defendants have represented that Mr. Fishman is not available on August 12, 2010, but that they are now willing to produce him for deposition on August 14, 2010 in Philadelphia.

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On this record, the Court orders that Mr. Fishman be produced for up to seven hours of deposition on August 14, 2010 in Philadelphia. Defendants shall bear Plaintiffs' reasonable travel expenses associated with one attorney taking Mr. Fishman's deposition in Philadelphia, including airfare, ground transportation, lodging, and meals.

IT IS SO ORDERED.

Dated: August 4, 2010



DONNA M. RYU
United States Magistrate Judge