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TION ALONZO HILL, SR.,

No. C09-5434 EMC

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Plaintiff,

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v.

**DISCOVERY ORDER REGARDING
JOINT LETTER BRIEF**

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DEPUTY ARNOLD, et al.,

(Docket No. 97)

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Defendants.

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On December 11, 2014, the parties in this litigation filed a joint discovery letter brief with the Court describing a dispute regarding various depositions. Docket No. 97. The Court notes that the fact discovery cut-off in this case was December 4, 2014. *See* Docket No. 94. As provided in this Court's Civil Local Rules, a discovery cut-off "is the date by which . . . all depositions must be concluded." Civil Local Rule 37-3. Accordingly, the Court finds that all of the requested depositions referenced in the parties' joint letter brief are untimely under this Court's Local Rules.¹

The Court has previously reopened discovery in this case, and extended the discovery cut-off. *See* Docket No. 87 (setting August 7, 2014, discovery cut-off); Docket No. 94 (reopening discover and extending discovery cut-off to December 4, 2014). The Court is loathe to do so again absent compelling reasons beyond the parties' control. Still, with trial not scheduled to begin until June 2015, and the final pre-trial conference not set to take place until May, the Court finds that the

¹ The Court further observes that Plaintiffs' service of deposition notices just days before the requested depositions (and the discovery cut-off) is a violation of this Court's Standing Order on Discovery. *See* Civil Standing Order on Discovery 3(a) ("Generally, the party seeking the deposition may notice it at least ten (10) days in advance.").

1 interests of justice will be served (and no delay caused) by a short further extension to permit each
2 side to conduct limited additional depositions as outlined below.

3 The City and County of San Francisco (CCSF) shall make available for deposition, at a
4 mutually agreeable time to be determined by the parties, the two defendants in this case within thirty
5 (30) days of the issuance of this Order. CCSF shall also file with this Court within twenty (20) days
6 a list identifying which, if any, of the remaining thirteen (13) requested deponents they will call to
7 testify at trial. Plaintiff may depose any two (2) of these thirteen witnesses, whether or not CCSF
8 includes them on its trial witness list. These depositions will take place at a mutually agreeable time
9 to be determined by the parties, but not later than January 30, 2015.

10 Plaintiff's counsel will file with this Court a certification that he no longer represents Ms.
11 Apperson or Mr. Billops within ten (10) days of the date of this Order. Plaintiffs' counsel is also
12 ordered to provide CCSF with Ms. Apperson's and Mr. Billop's last known mailing address, email
13 address, and telephone number(s). CCSF shall have thirty (30) days from the date of this Order to
14 effectuate service on Ms. Apperson and/or Mr. Billop. CCSF shall have forty-five (45) days from
15 the date of this Order to conclude Ms. Apperson's and/or Mr. Billop's depositions.

16 This Order disposes of Docket No. 97

17 IT IS SO ORDERED.

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19 Dated: December 12, 2014



EDWARD M. CHEN

United States District Judge