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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY BOOKHAMER,

No. C 09-06027 EMC (DMR)

Plaintiff(s),

**ORDER RE DEFENDANT'S
EMERGENCY MOTION FOR
EXTRAORDINARY RELIEF**

v.

SUNBEAM PRODUCTS INC,

Defendant(s).

Defendant Sunbeam Products, Inc. filed an Emergency Motion for Extraordinary Relief on October 16, 2012. [Docket No. 94.] The Honorable Edward M. Chen referred the motion to the undersigned the following day. [Docket No. 99; *see also* Docket No. 52 (order referring all discovery matters to undersigned).] After reviewing the parties' submissions, the court finds this dispute appropriate for resolution without oral argument. *See* N.D. Cal. Civ. L. R. 7-1(b).

The court orders that the deposition of Carl Bookhamer, Sr., shall take place without further delay.¹ At the deposition, defense counsel shall first ask Mr. Bookhamer whether he is represented by counsel and, if so, whether he is represented by Plaintiffs' counsel. If Mr. Bookhamer indicates that he is not represented, defense counsel may then ask him questions that conform to the legal and

¹ The court is aware that the parties have a pending motion before Judge Chen regarding the reopening of discovery for certain purposes, including the taking of Mr. Bookhamer's deposition. [*See* Docket No. 88.] The court has consulted with Judge Chen, who has approved Mr. Bookhamer's deposition at this time.

1 ethical rules governing attorney-client communications. For example, if Mr. Bookhamer states that
2 he is not now represented, but had legal representation for a certain time period in the past, defense
3 counsel may not inquire about events that occurred during that past period. If Mr. Bookhamer
4 indicates that he had conversations with Plaintiffs' counsel, that he did not consider himself to be
5 their client when those conversations took place, and that he was not seeking legal advice from them
6 at the time, then defense counsel may inquire about such communications.

7
8 IT IS SO ORDERED.

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10 Dated: October 22, 2012

