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

ZHI YANG ZHOU, et al.,

Plaintiffs,

v.

JIANG DAVID, et al.,

Defendants.

Case No.: C09-6059 JSC

**ORDER DENYING PLAINTIFFS'  
SECOND MOTION FOR A  
PROTECTIVE ORDER (Dkt. No. 86)**

United States District Court  
Northern District of California

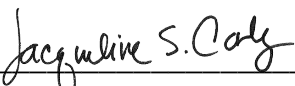
Now pending before the Court is Plaintiffs' second motion for a protective order directing Defendants to depose Tony Chen telephonically. (Dkt. No. 86.) Tony Chen was scheduled for a deposition on February 1, 2012 at 10:30 a.m. This scheduled deposition did not take place because Plaintiffs' counsel "was tied up in an appearance in the Bankruptcy Court." (Dkt. No. 77.) The Court denied Plaintiffs' previous motion for a protective order and directed Tony Chen to appear in person in conjunction with his appearance at the April 5, 2012 settlement conference before Judge Zimmerman. (Dkt. No. 79.) Plaintiffs now assert that Tony Chen is operating a restaurant in Iowa and is unable to travel to California for either the deposition or the settlement conference until after April 17, 2012 as he has sole responsibility for his restaurant while his business partner travels in China. (Dkt. No. 86.)

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Every plaintiff in this case must be present in person at the settlement conference. (Dkt. No. 74.) Tony Chen and all the plaintiffs in this case have had notice of this settlement conference and their obligation to attend in person since February 17, 2012. (Dkt. No. 74.) Plaintiffs represent that Mr. Chen’s business partner has been in China on vacation since approximately March 17, 2012, and he surely had notice of a month-long vacation to another country prior to departure. It is untimely and unreasonable for Plaintiffs to advise of a conflict with the settlement conference with two days’ notice. Plaintiffs’ motion is therefore DENIED. Tony Chen must appear in person for the deposition scheduled on April 4, 2012 and the settlement conference scheduled on April 5, 2012. All other plaintiffs shall also appear in person for this settlement conference.

**IT IS SO ORDERED.**

Dated: April 4, 2012

  
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JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE