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

ROBERT L CAZET, et al.,

Plaintiffs,

No. C 10-02460 JSW

v.

TOPPA EPPS, et al.,

Defendants.

**ORDER ON JOINT LETTER  
REGARDING DISCOVERY  
DISPUTE**

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The parties have filed a joint letter summarizing a discovery dispute over the location of the deposition of Plaintiff Robert L. Cazet and the Rule 30(b)(6) deposition. Plaintiff's counsel represents that Plaintiff Cazet is scheduled to be out of town on the dates noticed for deposition and requests that the Court order the Cazet and 30(b)(6) depositions to be held in Des Moines, Iowa on April 26 and 27, 2011. As the party seeking a protective order, Plaintiff bears the burden of demonstrating good cause. *Fausto v. Credigy Services Corp.*, 251 F.R.D. 427, 430 n.2 (N.D. Cal. 2008) (citing *Pioche Mines Consol., Inc. v. Dolman*, 333 F.2d 257, 269 (9th Cir.1964)).

“A party may unilaterally choose the place for deposing an opposing party, subject to the granting of a protective order by the Court pursuant to Rule 26(c)(2), Fed.R.Civ.P., designating a different place.” *Cadent Ltd. v. 3M Unitek Corp.*, 232 F.R.D. 625, 628 (C.D.Cal. 2005) (citations and quotation marks omitted). As a general rule, the location of the corporate party's deposition is the principal place of business. *Id.* Plaintiff Cazet is a California resident

1 and Plaintiff Alumni Athletics USA is a California entity. Defense counsel represent that they  
2 noticed the Cazet and 30(b)(6) depositions to be held in Santa Rosa, California in the district  
3 where Plaintiffs reside. Plaintiff Cazet contends that it would be an extreme hardship for him to  
4 return to California on the dates noticed for deposition because he is scheduled to be in Iowa  
5 and New Mexico on business. The change in location will require additional travel expenses to  
6 be incurred by Defendants. Although the Court finds that the parties may reasonably  
7 accommodate Plaintiff Cazet's travel schedule by conducting the depositions in Des Moines,  
8 Plaintiffs have not demonstrated good cause to shift the burden of the added travel expense to  
9 Defendants.

10 The Court hereby orders that the depositions will be held in Des Moines, Iowa on April  
11 26 and 27, 2011. Plaintiffs are ordered to pay the cost of roundtrip airfare from San Francisco  
12 to Des Moines and one night of modest hotel accommodations in Des Moines for one defense  
13 attorney.

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15 **IT IS SO ORDERED.**

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17 Dated: April 19, 2011

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20 JEFFREY S. WHITE  
21 UNITED STATES DISTRICT JUDGE  
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