

1 UNITED STATES DISTRICT COURT
 2 Northern District of California

3
 4 E. LYNN SCHOENMANN,

No. C 10-3989 CRB (MEJ)

5 Plaintiff,

**DISCOVERY ORDER RE: DOCKET
 NO. 127**

6 v.

7 FEDERAL DEPOSIT INSURANCE
 CORPORATION, et al.,

8 Defendants.
 9 _____/

10 This is a consolidated action by E. Lynn Schoenmann (the "Trustee"), Chapter 7 Trustee of
 11 United Commercial Bank Holdings, Inc. ("UCBH"), to recover from the FDIC roughly \$118 million
 12 in assets that were allegedly fraudulently transferred to United Commercial Bank ("UCB"). Jt. Ltr. at
 13 2, Dkt. 127. Presently before the Court is a joint discovery dispute letter, filed April 29, 2013. Dkt.
 14 No. 127. The parties' dispute concerns a deposition notice served by Defendants on Plaintiff as
 15 Trustee pursuant to Federal Rule of Civil Procedure 30(b)(6). *Id.*, Ex. 1. The Trustee seeks a
 16 protective order precluding her, or some other representative, from being deposed. Defendants seek
 17 an order requiring the Trustee or her representative to testify pursuant to the Notice. Upon review of
 18 the parties' arguments, the Court finds that Defendants have failed to establish that Plaintiff as
 19 Trustee is the proper party to whom a 30(b)(6) notice should be directed. *See In re Kevco, Inc.*, 2003
 20 Bankr. LEXIS 519, at *21-25 (finding that a bankruptcy trustee "is two steps removed from the
 21 witnesses with personal knowledge of the relevant facts," and is therefore an individual without
 22 personal knowledge of any of the facts at issue in the complaint). While Defendants may choose to
 23 depose Plaintiff in her individual capacity, any 30(b)(6) notice should be directed to the relevant
 24 corporate entities.

25 **IT IS SO ORDERED.**

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 27 Dated: May 2, 2013

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 Maria-Elena James
 United States Magistrate Judge