

1 UNITED STATES DISTRICT COURT

2 Northern District of California

3
4 RICK JAMES, by and through THE JAMES
5 AMBROSE JOHNSON, JR., 1999 TRUST, his
6 successor in interest, individually and on
7 behalf of all others similarly situated,

No. C 11-1613 SI (MEJ)

**ORDER REGARDING JOINT
DISCOVERY DISPUTE LETTER
FILED ON DECEMBER 19, 2012**

8 Plaintiffs,

9 v.

Re: Dkt. No. 139

10 UMG RECORDINGS, INC., a Delaware
11 corporation,

12 Defendant.

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14 In these putative class action lawsuits, Plaintiffs (who are recording artists and producers)
15 allege that they were underpaid royalties owed to them under written contracts with Defendant (a
16 record company). On December 19, 2012, the parties filed another joint discovery dispute letter, this
17 time regarding depositions. Dkt. No. 139. In the letter, Plaintiffs request that the Court order
18 Defendant to produce its Federal Rule of Civil Procedure 30(b)(6) deposition witness without a
19 precondition that the same deponent cannot later be deposed in their individual capacity. "In some
20 circumstances, [a Rule] 30(b)(6) designee may also be deposed in his or her individual capacity.
21 Because 'methods of discovery may be used in any sequence, [Fed. R. Civ. P. 26(d), a witness may
22 be deposed either prior to or following his or her testimony as [a Rule] 30(b)(6) designee.'" *AG-*
23 *Innovations, Inc. v. United States*, 82 Fed. Cl. 69, 81 (Fed. Cl. 2008). Thus, the Court finds Plaintiffs
24 may properly depose a witness twice - once in their Rule 30(b)(6) capacity and once in their
25 individual capacity. If the parties have any disputes regarding specific deposition topics and/or
26 whether any deposition topics are duplicative, they shall meet and confer and file another joint letter.

27 **IT IS SO ORDERED.**

28 Dated: December 20, 2012



Maria-Elena James
Chief United States Magistrate Judge