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UNITED STATES DISTRICT COURT
Northern District of California

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

Plaintiff,

v.

UMG RECORDINGS, INC., a Delaware
corporation,

Defendant.

No. C 11-1613 SI (MEJ)

**ORDER REGARDING
DISCOVERY DISPUTE LETTER
(DKT. NO. 141)**

On December 20, 2012, the Court granted Plaintiffs' request that it order Defendant to produce its Federal Rule of Civil Procedure 30(b)(6) deposition witness without a precondition that the same deponent cannot later be deposed in their individual capacity. Dkt. No. 140. The parties have now submitted a joint letter requesting clarification on two issues: (1) whether a witness can be asked questions on the same topic twice; and (2) whether UMG is entitled to a protective order on Topics 1 and 5 of Plaintiffs' 30(b)(6) deposition notice. Dkt. No. 141. As to the first issue, Plaintiffs may ask the designated witness questions on the same topic in both their individual and 30(b)(6) capacity; however, the questions should not be duplicative and should be limited to topics that are within the witness's designated role at the particular deposition (i.e., questions related to the designee's personal knowledge should not be asked in the 30(b)(6) deposition, and vice versa).

As to the second issue, the Court finds that Topic 1 is relevant, but overbroad. Accordingly, the parties shall meet and confer in person for the purpose of limiting the scope of this topic.

1 Plaintiffs shall make a good faith effort to be more specific as to which categories of documents they
2 are concerned about, and also agree to reasonable limitations regarding UMG's predecessors and
3 affiliates. Plaintiffs should be mindful that, if the Court later determines that they did not work with
4 UMG in a good faith effort to limit the scope of Topic 1, it shall grant UMG's request for a protective
5 order. As to Topic 5, for the same reasons discussed in its previous Order, the Court GRANTS UMG
6 request for a protective order on this topic. *See* Dkt. No. 133 at 2, 4.

7 **IT IS SO ORDERED.**

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9 Dated: January 8, 2013

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12 Maria-Elena James
13 Chief United States Magistrate Judge
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