

United States District Court  
For the Northern District of California

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

PROCONGPS, INC.,

No. C 11-3975 SI

Plaintiff,

**ORDER RE: DISCOVERY**

v.

SKYPATROL, LLC, *et al.*,

Defendants.

Plaintiff Spireon (formerly ProconGPS) and defendants Skypatrol LLC, Jim Schumacher, and Jim Schumacher LLC have submitted a discovery dispute regarding expert depositions for resolution. Docket Nos. 183 and 191.<sup>1</sup>

The parties dispute whether defendants should be permitted to depose plaintiffs’ experts twice – once after plaintiffs’ experts have issued initial reports, and again after those experts have issued rebuttal reports. Defendants assert that “defendants’ experts should be able to take Spireon’s experts’ depositions into account when preparing their own reports.” Docket No. 183 at 3:8-9. Plaintiff responds that the purpose of expert depositions is to develop cross-examination for trial or for a *Daubert* motion, not to build a case for one’s own expert, and that two rounds of depositions is impractical and wasteful.

The Court finds that defendants have not articulated a persuasive reason to require two rounds

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<sup>1</sup> The parties filed separate statements, which is contrary to the Court’s standing order directing the parties to file a single statement regarding discovery disputes.

1 of depositions for plaintiffs' experts in this case. *See Enns Pontiac, Buick & GMC Truck v. Flores*, No.  
2 1:07cv01043 OWW DLB, 2011 WL 2787729, at \*3-4 (E.D.Cal. July 11, 2011) (rejecting argument that  
3 the plaintiffs needed to depose defense experts twice in order for the plaintiffs' experts to prepare their  
4 reports). The Court agrees with plaintiff that it is more efficient and economical to have a single round  
5 of depositions, and accordingly the Court DENIES defendants' motion to compel. The parties shall  
6 meet and confer regarding the scheduling of depositions.

7  
8 **IT IS SO ORDERED.**

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10 Dated: May 22, 2013

  
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SUSAN ILLSTON  
United States District Judge