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

JAMESON ASHLEY,
Plaintiff,

No. C 12-00045 JSW

v.

CITY AND COUNTY OF SAN FRANCISCO
ET AL,
Defendants.


**ORDER RESOLVING
DISCOVERY DISPUTE**

United States District Court
For the Northern District of California

The Court has received the parties' joint submissions regarding the production of Plaintiff as a witness for deposition in this case. As a matter of fundamental fairness, Defendants have a right to take the deposition of the sole Plaintiff in a case he has commenced. However, the Court, aware that the deposition may cause Plaintiff to suffer distress, instructs the parties to meet and confer in advance of the deposition to ascertain the appropriate protocol for the appearance. The Court advises the parties to schedule the deposition in a location close to Plaintiff's home, to prepare that the deposition shall take place for only a limited number of hours per day, with frequent breaks, and any other conditions as necessary to mitigate the trauma to Plaintiff. Defendants are also cautioned that, if during the deposition, Plaintiff fails to remember significant events and becomes mute or extremely agitated, the oral deposition shall adjourn and Defendants may continue the deposition by written questions pursuant to Federal Rule of Civil Procedure 31(a)(2) without requiring Plaintiff's attendance.

IT IS SO ORDERED.

Dated: June 22, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE