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

SYMANTEC CORPORATION,

No. C 12-00700 SI

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL**

v.

VEEAM SOFTWARE CORPORATION,

Defendant.

Currently before the Court is plaintiff Symantec's request for an order requiring defendant Veeam to make its employee Alexey Vasilyev available for deposition. Docket No. 108. In discovery, Veeam identified Mr. Vasilyev as a "Product Manager" and one of three most knowledgeable people at Veeam regarding the design, research, and development of Veeam's accused products. Veeam has also disclosed Mr. Vasilyev as the Deputy Director of Information Technologies. Symantec contends that Mr. Vasilyev should be produced as a "managing agent" under Rule 30, especially in light of his role as a co-founder and current part owner of Veeam.

Veeam opposes producing Mr. Vasilyev for deposition because of the burden of producing him (given that he resides in Russia) and his deposition testimony will be duplicative of three witnesses who Veeam has agreed to produce: Veeam CEO (Ratmir Timashev), CTO (Andrei Baranov) and Product Manager (Anton Gostev). Finally, Veeam contends that Mr. Vasilyev is not a "managing agent" of Veeam and his current role "overseeing R&D work" is simply to "show proof of concept" for new and

1 modified Veeam products at the direction of Messrs. Baranov and Gostev.

2 The Court finds that Mr. Vasilyev should be produced. However, the date for Mr. Vasilyev
3 deposition should be set at least two weeks after the conclusion of the depositions of Messrs. Timashev,
4 Baranov and Gostev. If Veeam contends that Mr. Vasilyev's testimony will still be cumulative after
5 the conclusion of the other depositions, Veeam may seek relief from this Court and will be required to
6 show why Mr. Vasilyev's testimony will be duplicative to testimony already received.

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8 **IT IS SO ORDERED.**

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10 Dated: April 1, 2013



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12 SUSAN ILLSTON
13 UNITED STATES DISTRICT JUDGE

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