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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BENJAMIN K. TOSCANO,  
Plaintiff,  
v.  
G. D. LEWIS, et al.,  
Defendants.

Case No. 12-cv-05893-EMC

**ORDER RE JOINT DISCOVERY  
LETTER OF MAY 16, 2017**

Docket No. 354

The parties have submitted a joint letter regarding a discovery dispute. In the letter, the parties state that, although they agree discovery may be reopened so that Plaintiff may depose Mr. Serrano (a former prison nurse), they continue to disagree as to whether fact discovery should be reopened so that Plaintiff may take the deposition of Defendants themselves (*i.e.*, Mr. Eberly and Mr. Thompson). Having considered the joint letter as well as all other evidence of record, the Court hereby **GRANTS** Plaintiff's request that he be permitted to take the depositions of Defendants. Plaintiff has been incarcerated during this litigation and was representing himself during the bulk of the proceedings. Now that Plaintiff has counsel to represent him, it is not unreasonable for him to take the depositions of Defendants, especially as Defendants have not identified any undue prejudice they would suffer should the depositions proceed. The Court, however, shall limit each deposition to 3.5 hours.

This order disposes of Docket No. 354.

**IT IS SO ORDERED.**

Dated: May 17, 2017

  
EDWARD M. CHEN  
United States District Judge