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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERESA ANN MARTINEZ, on behalf of  
herself and all persons similarly situated,

Plaintiff,

No. C 13-00319 WHA

v.

EXTRA SPACE STORAGE, INC., a  
Maryland corporation, EXTRA SPACE  
MANAGEMENT, INC., a Utah corporation,  
and DOES 1 through 100, inclusive,

Defendants.

**ORDER TO APPEAR FOR  
DEPOSITION AND ORDER  
FOR ATTORNEY WILENS  
TO PAY FEES FOR  
FAILURE TO APPEAR**

Although Attorney Wilens has “demoted” plaintiff Teresa Martinez from being a potential class representative, she nonetheless still remains as an individual plaintiff and defendant has every right to take her deposition. Ms. Martinez has failed to appear for her deposition as scheduled. Attorney Wilens is hereby **ORDERED** to send a letter, by September 30, to defense counsel stating a firm week-day date on or before October 18, 2013, on which Ms. Martinez will appear for her deposition at a convenient place of defense counsel’s choosing, failing which, on motion, her case shall be dismissed for lack of prosecution and for violating this order.

Furthermore, Attorney Wilens is hereby **ORDERED** to pay \$200 to defense counsel for his unexcused failure to appear at today’s discovery conference to partially compensate for the waste of defense counsel’s time.

**IT IS SO ORDERED.**

Dated: September 25, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE