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

MOHAMMED RAHMAN, individually, and on
behalf of other members of the general public
similarly situated,

No. CV 13-3482 SI

ORDER RE: DISCOVERY LETTER

Plaintiff,

v.

MOTT'S LLP, a Delaware limited liability
partnership; and DOES 1 through 10, inclusive,

Defendants.

Presently before the Court is the parties' joint discovery letter. Docket No. 52. In the letter, defendant moves for an order compelling plaintiff Mohammed Rahman to appear for a deposition on April 3 or 4, 2014 or during the week of April 7, 2014. Defendant argues that it properly noticed plaintiff's deposition for April 2, 2014, but plaintiff has objected to that date and has refused to offer an alternative deposition date. Defendant explains that it wishes to take plaintiff's deposition prior to the April 18, 2014 deadline for its rebuttal expert reports. In response, plaintiff argues that a deposition at this time would be premature in light of defendant's pending motion to dismiss the second amended complaint.

"[P]re-trial discovery is ordinarily 'accorded a broad and liberal treatment.'" *Shoen v. Shoen*, 5 F.3d 1289, 1292 (9th Cir. 1993). A district court "has wide discretion in controlling discovery" and "will not be overturned unless there is a clear abuse of discretion." *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Under Federal Rule of Civil Procedure 30(a)(1), "[a] party may, by oral questions,

1 depose any person, including a party, without leave of court except as provided in Rule 30(a)(2).” After
2 consideration of the arguments raised in the joint discovery letter, the Court GRANTS defendant’s
3 discovery request and ORDERS plaintiff to appear for a deposition at some time between **April 7, 2014**
4 and **April 11, 2014**.

5
6 **IT IS SO ORDERED.**

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8 Dated: March 31, 2014



9 SUSAN ILLSTON
United States District Judge