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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER FOR  
UNITED WESTERN BANK,

Plaintiff,

v.

CHARLES J. BERLING, et al.,

Defendants.

Case No. 15-mc-80150-JSC

**ORDER RE: DEFENDANTS' MOTION  
TO COMPEL**

Re: Dkt. No. 1

Defendants, Charles J. Berling, et al, have filed a motion to compel compliance with Rule 45 deposition subpoenas issued in this District to non-parties Steven J. Harris and Kevin B. Swanson. (Dkt. No. 1.) The underlying civil action, FDIC v. Berling, et al., No. 14-137 CMA-MJW, is pending in the United States District Court for the District of Colorado. As the motion was filed as a fully-noticed motion, it shall proceed on that basis rather than as a joint letter brief as ordinarily required under the Court's Standing Order. The non-parties' response to the motion to compel shall be filed by June 19, 2015, and Defendants may file a reply on or before June 26, 2015. The matter shall be heard on July 9, 2015 at 9:00 a.m. in Courtroom F, 450 Golden Gate Ave., San Francisco, California.

A review of the docket does not reflect service of the motion on the FDIC—the Plaintiff in the underlying action. Accordingly, Defendants shall serve the motion and a copy of this Order on the FDIC, and file proof of service of the same within three days. If the FDIC elects to file a response to the motion to compel, it shall also do so by June 19, 2015.

**IT IS SO ORDERED.**

Dated: June 4, 2015

*Jacqueline Scott Corley*  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge

United States District Court  
Northern District of California