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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS A. SHIELDS, et al.,

Plaintiffs,

v.

FÉDÉRATION INTERNATIONALE DE  
NATATION,

Defendant.

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INTERNATIONAL SWIMMING  
LEAGUE, LTD,

Plaintiff,

v.

FÉDÉRATION INTERNATIONALE DE  
NATATION,

Defendant.

Case No. [18-cv-07393-JSC](#)

Case No. 18-cv-07394-JSC

**ORDER RE: THIRD-PARTY  
SWIMMERS'S DEPOSITIONS**

Before the Court are the parties' letter briefs regarding the depositions of third-party swimmers Cody Miller and Jacob Pebley. (Dkt. Nos. 152, 157.)<sup>1</sup> After careful consideration of the parties' briefing, the Court concludes that oral argument is unnecessary, *see* N.D. Cal. Civ. L.R. 7-1(b), and compels the deposition of both third-party swimmers.

As the Court noted at the parties' January 14, 2021 case management conference, a third-party is not protected from a deposition solely because they happen to or could be an absent class member. (Dkt. No. 145 at 7.) In this instance FINA has demonstrated that Mr. Miller and Mr. Pebley are percipient witnesses who have personal knowledge unique from the named Plaintiffs

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<sup>1</sup> Record citations are to material in the Electronic Case File in *Shields, et al. v. Fédération Internationale de Natation*, Case No. 3:18-cv-07393-JSC.

1 that is relevant to Plaintiffs' claims and FINA's defenses. Accordingly, FINA may proceed with  
2 the depositions of both Mr. Miller and Mr. Pebley.

3 This Order disposes of Docket Nos. 152, 157, 161, 163.

4 **IT IS SO ORDERED.**

5 Dated: February 16, 2021

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8 JACQUELINE SCOTT CORLEY  
9 United States Magistrate Judge  
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