

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

TODD L. ASHKER,
Plaintiff,
v.
ROBERT HOREL, et al.,
Defendants.

No. C 05-3759 CW

ORDER GRANTING,
IN PART,
DEFENDANTS'
CROSS-MOTION
REGARDING
PLAINTIFF'S
DEPOSITION

This is a civil rights case filed pro se by state prisoner Todd Ashker. On November 17, 2008, Plaintiff moved for a protective order to prevent Defendants' counsel from deposing him. On November 21, 2008, the Court denied Plaintiff's motion for a protective order. Defendants now cross-move for additional time, if necessary, to take Plaintiff's deposition. Having considered Defendants' papers, the motion is granted, in part.

Defendants are scheduled to take Plaintiff's deposition on December 2, 2008 from 9:30 a.m. to 4:00 p.m. Defendants state the deposition must take place between the hours of 9:30 a.m. to 4:00 p.m. to cause minimal impact on the prison's administration. They are concerned that because of Plaintiff's poor health, he might need many breaks, and thus, the deposition may take more than seven

1 hours and more than a single day.

2 A deposition is limited to one day of seven hours. Fed. R.
3 Civ. Pro. 30(d)(1). The seven hours does not include time for
4 lunch or reasonable breaks. Fed. R. Civ. Pro. 30(d)(1) Advisory
5 Committee Notes to 2000 Amendment. The Court must allow additional
6 time, if needed. Fed. R. Civ. Pro. 30(d)(1).

7 Defendants may depose Plaintiff for a total of seven hours,
8 not including time for meals or other reasonable breaks. If, due
9 to the breaks Plaintiff reasonably requests, Defendants cannot
10 complete seven hours of deposition in one day, they may extend the
11 deposition over a period of two days.

12
13 IT IS SO ORDERED

14 11/25/08

15 Dated _____



16 _____
17 CLAUDIA WILKEN
18 United States District Judge
19
20
21
22
23
24
25
26
27
28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ASHKER,

5 Plaintiff,

6 v.

7 ALAMEIDA ET AL et al,

8 Defendant.

Case Number: CV05-03759 CW

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
10 Northern District of California.

11 That on November 25, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 J. Randall Andrada
16 Andrada & Associates
17 Professional Corporation
18 180 Grand Avenue
19 Suite 225
20 Oakland, CA 94612

21 Todd A. Ashker
22 #C58191
23 Pelican Bay State Prison
24 Box 7500
25 Crescent City, CA 95532

26 Dated: November 25, 2008

27 Richard W. Wiekling, Clerk
28 By: Sheilah Cahill, Deputy Clerk