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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	No. C08-80143 SBA (BZ)
Plaintiff(s),)	
)	ORDER COMPELLING COMPLIANCE
v.)	WITH SUBPOENAS
)	
GLOBAL ONLINE DIRECT INC.,)	
et al.,)	
)	
Defendant(s).)	
_____)	

Before me are Receiver's July 14, 2008 Motion to Compel and Motion for Order to Show Cause Re Contempt. For the reasons discussed below, plaintiff's motions are **GRANTED IN PART AND DENIED IN PART**

Receiver seeks an order compelling non-party witnesses Pantera and Wakefield to comply with his subpoenas for production of documents and for depositions. Receiver also seeks sanctions in the form of coercive civil contempt sanctions, as well as expenses incurred, as a result of Pantera and Wakefield's failure to comply with the subpoenas.

Following a hearing which neither witness attended, **IT IS**

1 **HEREBY ORDERED** as follows:

2 1. Witnesses Wakefield and Pantera shall produce the
3 subpoenaed documents within 10 days of being served with this
4 order.

5 2. The witnesses shall attend their depositions within
6 20 days of being served with this order.

7 3. The Receiver shall serve this order on Wakefield and
8 Pantera forthwith and file a proof of service.

9 4. The Receiver's motion for civil contempt sanctions is
10 **DENIED** without prejudice, subject to being renewed if
11 Wakefield and Pantera do not comply with this Order.

12 5. The Receiver's motion for expenses is **DENIED** in
13 connection with the first set of subpoenas served on March 10,
14 2008, as Receiver did not move to enforce the March 10, 2008
15 subpoenas.

16 6. The Receiver's motion for fees and costs is **GRANTED**
17 in part in connection with the second set of subpoenas served
18 on March 28, 2008, the subpoenas which the Receiver now seeks
19 to have enforced. However, Receiver's recovery for attorney's
20 fees will be limited to 1 hour for attending the deposition at
21 the listed billable rate of \$508. The Court also **GRANTS**
22 Receiver's costs of \$556.70 for the court reporter and
23 transcript costs.

24 7. The Receiver's motion for time spent preparing the
25 Motion is **GRANTED**. The Receiver is awarded 6.7 hours at the
26 billable rate of \$330, for a total of \$2,211.

27 8. The Court will not award travel expenses, as the
28 Receiver has made no showing of why he needed to hire counsel

1 from Southern California to conduct the depositions. The Court
2 will not award fees for time spent preparing for the
3 depositions as this would eventually have to be done. Finally,
4 the Court will not grant recovery for responding to the
5 opposition of Wakefield and Pantera, as none has been filed.

6 For these foregoing reasons, the Court **HEREBY ORDERS**
7 each witness to pay the Receiver \$1,637.85 (one half of
8 \$3,275.70), for attorney's fees and court reporter and
9 transcripts costs, as well as to produce the subpoenaed
10 documents and attend his deposition as ordered.

11 Dated: October 29, 2008

12 
13 _____
Bernard Zimmerman
United States Magistrate Judge

14 G:\BZALL\REFS\SEC V. GLOBAL ONLINE\ORDER GRANTING IN PART MOTION FOR
15 SANCTIONS.wpd
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