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

United States District Court
Northern District of California

VIETNAM VETERANS OF AMERICA,
et al.,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,
et al.,

Defendants.

Case No.: 09-cv-0037 CW (JSC)

**ORDER RE: JOINT STATEMENT
OF DISCOVERY DISPUTE (Dkt. No.
468)**

Now pending before the Court is a Joint Statement regarding Discovery Dispute (Dkt. No. 468). Plaintiffs seek an order from the Court requiring Defendants to produce Joe Salvatore, David Abott and Dr. Kelley Brix for a deposition by a date certain. The Court finds that the Motion is suitable for determination without oral argument, pursuant to Civil Local Rule 7-1(b). Having considered the papers submitted to the Court, the Court GRANTS Plaintiffs' request in part.

In March of 2012, Plaintiffs brought a Motion to Compel seeking to take the depositions of Dee Dodson Morris, Joe Salvatore, Dr. Kelley Brix, and David Abbot. (Dkt. No. 404). The Court found that there was good cause to resume the deposition of Mr.

1 Salvatore for a total of 3.5 hours, take the deposition of Dr. Brix for a total of 4 hours and
2 resume Mr. Abbott's deposition for a total of 3.5 hours. (Dkt. Nos. 408, 456). The Court's
3 decision was based on the fact that documents which the Court ordered produced to Plaintiffs
4 following the Court's deliberative process review contained evidence relating to these
5 individuals which Plaintiffs did not have access to at the time of these individuals' prior
6 depositions, in the case of Mr. Salvatore and Mr. Abbot, and prior to the close of fact
7 discovery, in the case of Dr. Brix.

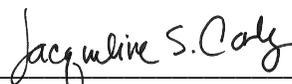
8 The parties' Joint Statement raises the issue of scheduling these depositions while
9 Plaintiffs' two pending motions to compel regarding further deliberative process documents
10 remain outstanding. The Court has issued an Order today resolving Plaintiffs' June 14, 2012
11 Motion to Compel and Plaintiffs' July 13, 2012 Motion to Compel will be submitted on July
12 30, 2012 and the Court will issue an order shortly thereafter. The Court understands these
13 two motions to represent the last remaining disputes regarding Defendants' privilege logs
14 and any documents over which Defendants claim the deliberative process privilege.

15 Thus, in accordance with the Court's prior Orders requiring Defendants to produce
16 these individuals for deposition, the Court orders Defendants to work with Plaintiffs to set a
17 date for these depositions as expeditiously as possible. The Court notes, however, that it will
18 not be inclined to order further depositions of these individuals should Plaintiffs choose to
19 take their depositions prior to receipt of any documents ordered produced in the Order filed
20 today or the forthcoming order resolving the remaining motion to compel as Plaintiffs have
21 not identified any basis for urgency with respect to these depositions. The Court further
22 notes that the scope of these depositions includes any documents produced pursuant to the
23 Court's deliberative process privilege Orders.

24 This Order disposes of Docket No. 468.

25 **IT IS SO ORDERED.**

26 Dated: July 19, 2012

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28 _____
JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE