

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

TODD ASHKER, *et al.*,
Plaintiffs,

v.

MATHEW CATE, *et al.*,
Defendants.

Case No. [09-cv-05796-CW](#) (NJV)

ORDER

Re: Dkt. No. 320

Before the court is the parties' Joint Letter Brief re Time-Sensitive Discovery Dispute (Doc. 320). The court specially set the matter on Thursday, October 02, 2014 for hearing at 1:00 p.m. The parties jointly contacted chambers and requested that the court cancel the hearing and decide the matter on the joint submission. Accordingly, it is ORDERED that the Discovery Hearing set for October 2, 2014 at 1:00 p.m., is VACATED.

Upon consideration of the Joint Letter Brief (Doc. 320), it is ORDERED that Plaintiffs' request to have Dr. Murray's examination of Plaintiffs Ashker, Esquivel, and Franco recorded by either video, or stenographic means, or by any other means, is DENIED. The court finds that Plaintiffs failed to "make any showing that special circumstances exist to overcome the general rule that third parties are not permitted to attend [a Rule 35 examination]." *Nguyen v. Qualcomm Inc.*, 2013 WL 3353840, at *9 (S.D. Cal. July 3, 2013).

IT IS SO ORDERED.

Dated: October 2, 2014



NANDOR J. VADAS
United States Magistrate Judge