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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CENTURY ALUMINUM COMPANY, et al.,

Plaintiffs,

v.

AGCS MARINE INSURANCE CO.,

Defendant.

Case No. 11-cv-02514 YGR (NC)

**ORDER RE: SUPPLEMENTAL
DEPOSITIONS AND FURTHER
DISCOVER RESPONSES**

Re: Dkt. Nos. 210, 214, 215

This order addresses Century’s request for further depositions of previously
deposed AGCS witnesses, and Century’s request for further production of documents
based on AGCS’ allegedly deceptive redaction practices.

At the August 22, 2012 discovery hearing the Court took Century’s request for
further deposition of Inouye under submission and ordered Century to provide selected
Inouye documents for the Court’s in camera review by August 24. Dkt. No. 207. The
Court allowed AGCS to file an opposition to Century’s request by August 29. *Id.* The
Court is in receipt of the Inouye documents and AGCS’ opposition letter. Dkt. Nos. 214,
215.

Having reviewed the selected Inouye documents and the parties’ accompanying
letters, the Court GRANTS Century’s request to take the further depositions of Inouye

1 and David Cole, Western Region Cargo Practice Leader for AGCS. The depositions are
2 to occur within the next 30 days and are limited to two hours each. The Court further
3 orders AGCS to pay Century's costs and reasonable attorneys' fees incurred for these
4 further depositions. The basis for this fee-shifting is that the repeat depositions are
5 necessitated by AGCS' late disclosure of document that were previously withheld as
6 privileged. Fed. R. Civ. P. 37(a)(5); *Fid. Nat'l Fin., Inc. v. Hyman*, 396 Fed. Appx. 472,
7 473 (9th Cir. 2010).

8 As for Century's claims regarding AGCS' improper privilege assertions and
9 redactions, the Court orders AGCS to lodge for the Court's in camera review all redacted
10 documents from Century's "Hot Documents Submission" no later than noon on
11 September 4.

12 The Court will hold a discovery status hearing at 10:00 a.m. on September 5 to
13 discuss the further depositions of Inouye and Cole; defendant's privilege assertions and
14 redactions; and defendant's motion to clarify this Court's August 23 order regarding the
15 further production of documents and interrogatories, Dkt. No. 210.

16 IT IS SO ORDERED.

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18 DATED: August 30, 2012

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20 NATHANAEL M. COUSINS
21 United States Magistrate Judge
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