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3 **U.S. COMMODITY FUTURES TRADING COMMISSION**

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8 **THE UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **OAKLAND DIVISION**

11
 12 UNITED STATES COMMODITY FUTURES
 13 TRADING COMMISSION,

14 Plaintiff,

15 v.

16 PARON CAPITAL MANAGEMENT, LLC, and
 17 JAMES D. CROMBIE,

18 Defendants.

Case No. C 11-04577 CW (NC)

**STIPULATION AND ~~PROPOSED~~ ORDER
 REGARDING TELEPHONIC
 DEPOSITIONS**

Re: Dkt. No. 81

19
 20 Whereas, on February 15, 2012, the parties appeared telephonically for a discovery status
 21 conference before Judge Nathanael Cousins;

22 Whereas, Judge Cousins denied, without prejudice, Defendant James D. Crombie's request to
 23 conduct depositions telephonically;

24 Whereas, Judge Cousins ordered the parties to meet and confer and to submit to the Court a
 25 stipulation containing a detailed protocol addressing issues associated with conducting depositions
 26 telephonically and the parties did so on February 21, 2012;

27 Whereas, the parties agree that telephonic depositions may be conducted, if allowed by the
 28 Court, in accordance with the following provisions:

1 a. The party taking the deposition shall arrange for the services of a certified court
2 reporter.

3 b. If a certified court reporter is not physically present with the witness, the party taking
4 the deposition shall arrange for the presence, with the witness, of a licensed notary public.

5 c. The party taking the deposition shall provide to the witness and all parties a toll-free
6 conference call number as the means for participation in the deposition.

7 d. All parties shall use only “land-line” telephones (i.e. not cellular or cordless
8 telephones) to participate in the deposition, and the party taking the deposition shall test his own
9 connection prior to the deposition and shall ensure that the witness also uses only a land-line
10 telephone.

11 e. The party taking the deposition shall ensure that the witness is able to travel to a
12 location suitable for in-person attendance by other parties, should one or more parties choose to travel
13 to the location of the deposition.

14 f. Not less than 48 hours prior to the start of a telephonic deposition, the party taking the
15 deposition shall provide electronic copies of any documents that party may mark as exhibits during
16 the deposition.

17 g. The party taking the deposition shall be responsible for the fees of the court reporter,
18 including fees associated with questions asked by other parties, to the extent such questions are
19 within the scope of the taking party’s examination. See Fed. R. Civ. P. 30; Fed. R. Evid. 611.

20 h. If more than one party concurrently subpoenas or notices the same witness, those
21 parties will bear proportional responsibility for the fees of the court reporter, in consultation with the
22 court reporter or his or her agency.

23 Whereas, this agreement among the parties applies only to depositions taken by remote means
24 and does not apply to depositions taken in person, even if the party taking a deposition in person
25 intends to arrange for telephonic participation by counsel or other parties;

26 Therefore, the parties stipulate and agree, and ask the Court to order, that telephonic depositions
27 may take place in accordance with the provisions set forth herein and agreed upon by the parties.

28 IT IS SO STIPULATED.

1 Dated: February 29, 2012

2 Respectfully submitted,

3
4 By: _____
Jonathan P. Robell

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18 Mark P. Fickes

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26 Attorneys for Defendant
27 PARON CAPITAL MANAGEMENT, LLC

28 By: _____
James D. Crombie

2517 Mar East Street
Tiburon, CA 94920

Defendant pro se

25 Filer's attestation: Pursuant to General Oder No. 45.X.B, counsel for Plaintiff U.S.
26 Commodity Futures Trading Commission attests that concurrence in the filing of this document has
27 been obtained from Mark P. Fickes, counsel for Defendant Paron Capital Management, LLC and
28 from James D. Crombie, Defendant pro se.

1 **CERTIFICATE OF SERVICE**


2 I hereby certify that on February 29, 2012, I caused a copy of the foregoing Stipulation and
3 Proposed Order Regarding Telephonic Depositions to be filed with the Clerk of the Court using the
4 CM/ECF system, which will automatically send electronic mail notification of such filing to the
5 following attorneys of record for Defendant Paron Capital Management, LLC and to Defendant pro se
6 James D. Crombie:

7
8 Jonas Noah Hagey, Esq.
9 Mark Philip Fickes, Esq.
10 BraunHagey & Borden LLP
11 220 Sansome Street, 2nd Floor
12 San Francisco, CA 94104

13 Attorneys for Defendant Paron Capital Management, LLC

14 James D. Crombie
15 2517 Mar East Street
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17 Defendant pro se

18 By: 
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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**

9 UNITED STATES COMMODITY FUTURES
10 TRADING COMMISSION,

11 Plaintiff,

12 v.

13 PARON CAPITAL MANAGEMENT, LLC, and
14 JAMES D. CROMBIE,

15 Defendants.

Case No. C 11-04577 CW (NC)

**[PROPOSED] ORDER REGARDING
TELEPHONIC DEPOSITIONS**

Re: Dkt. No. 81

16
17 The Court has considered the stipulation of the parties and finds good cause to order that
18 telephonic depositions be allowed in this matter, in accordance with the conditions set forth in the
19 parties' stipulation.

20 **IT IS SO ORDERED.**

21
22 Dated: February 29, 2012



23 Hon. Nathanael Cousins
24 United States Magistrate Judge