

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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3 **ANGIOSCORE, INC.,**

4 **Plaintiff/Counter-Defendant,**

5 **vs.**

6 **TRIEME MEDICAL, INC. et al.,**

7 **Defendants/Counterclaimants.**

Case No.: 12-CV-3393-YGR

ORDER RE: DISCOVERY LETTER BRIEF

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9 The Court has reviewed the parties' Letter Brief requesting the Court quash a subpoena
10 directed at third party Peter K. Johansson.

11 Mr. Johansson has relevant information and, therefore, taking his deposition is generally
12 acceptable. However, it is not clear that it is necessary to take his deposition in advance of the
13 hearing on the Motion for Rule 11 Sanctions. Briefing on that motion is closed and no additional
14 material may be filed without Court approval; nor may additional evidence be submitted at the
15 hearing on the Motion for Rule 11 Sanctions without Court approval. That said, Defendants may
16 take Mr. Johansson's deposition subject to the limitations of, *inter alia*, Fed. R. Civ. P. 30(a).

17 Because Defendants did not comply with Local Rule 30-1 before noticing the deposition,
18 Mr. Johansson does not need to appear at the November 8, 2012 deposition. The parties are
19 ordered to meet and confer about scheduling Mr. Johansson's deposition, and are ordered to
20 schedule Mr. Johansson's deposition for a date within 14-days of the date this Order is filed.

21 The Court takes no position on whether any of the information that may be elicited during
22 Mr. Johansson's deposition is protected by the attorney-client privilege and/or the work product
23 doctrine. Any objection, whether on the basis of privilege, work product, relevance, etc., must be
24 stated on the record. The Court cannot issue an advisory ruling in advance of the deposition.

25 This Order Terminates Docket Number 45.

26 **IT IS SO ORDERED.**

27 **Date: November 6, 2012**

28 
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE