

United States District Court  
Northern District of California

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**KELLY GALLARDO,**  
**Plaintiff,**  
**vs.**  
**KIPP FOUNDATION *et al.*,**  
**Defendant(s).**

**Case No.: 12-CV-05017 YGR**  
**ORDER RE: JOINT DISCOVERY LETTER BRIEF**

The Court has reviewed the parties' Joint Discovery Letter Brief (Dkt. No. 19) regarding production of Michael Feinberg as a witness for deposition. The letter brief, which was filed on February 19, 2013, indicates that Plaintiff has noticed the deposition of Mr. Feinberg for February 21, 2013. The letter brief, therefore, appears to be premature.

Unless limited by Court order, a party may obtain discovery of non-privileged matter that is relevant to the party's claim or defense. *See* Fed. R. Civ. P. 26(b)(1). The availability and use of the procedures provided in Federal Rule of Civil Procedure 30(b) notwithstanding, if Plaintiff believes a particular individual has relevant information, she may depose him.

While the parties are expected to confer and agree as to which depositions are most needed, Plaintiff's request to depose Mr. Feinberg is within the presumptive ten-person limit of depositions that Plaintiff can take without leave of court. *See* Fed. R. Civ. P. 30 advisory committee's note. No protective order has been sought regarding Mr. Feinberg's deposition; Defendant cannot otherwise dictate which ten depositions Plaintiff takes. *See* Fed. R. Civ. P. 26(c); *cf.* Fed. R. Civ. P. 30(b)(1), (6) (allowing party to notice deposition regarding class or group of persons, or to designate matters on which examination is requested).

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The parties are to update the Court regarding the status of Mr. Feinberg's deposition, and to certify that they have met *in person* to resolve any dispute.

The Court will take no further action on the parties' joint discovery letter brief.

This Order Terminates Docket Number 19.

**IT IS SO ORDERED.**

**Date: February 21, 2013**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE