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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHOON RHEY,  
Plaintiff,  
v.  
G. MURPHY, et al.,  
Defendants.

Case No. [16-cv-07237-JSW](#) (AGT)

**ORDER RE: CDCR DEPOSITION (MOTION FOR LEAVE TO FILE MOTION FOR PROTECTIVE ORDER)**

Re: Dkt. No. 101


Choon Rhey reasonably wants to depose the CDCR about certain prison practices and procedures related to his case. The CDCR won't be able to avoid this deposition, for even though the CDCR is technically a nonparty, it employed the defendants, two CDCR officials, and at least some of its practices and procedures are relevant to Rhey's deliberate indifference claim.

Even so, some (if not all) of the deposition topics that Rhey has noticed are overbroad. Rhey seeks testimony about CDCR practices and procedures regarding "housing" and "officer training," Dkt. 104-6 at 6-7, topics that are considerable in scope. Rhey also seeks testimony about "CDCR's practices and procedures regarding responses to third-party subpoenas," *id.* at 7, another broad topic, with this one also appearing to be of limited relevance.

These are just examples. Rather than go through each topic at this point, the undersigned will require the parties to meet and confer by videoconference, by January 4, 2022, to discuss the noticed topics in more detail. If a dispute remains after that, the parties should present it in a joint statement, which must be filed in compliance with Part VII.B of the undersigned's civil standing order. That joint statement, if needed, will supersede the CDCR's current motion for leave to file a motion for a protective order, so that motion will now be denied without prejudice.

**IT IS SO ORDERED.**

Dated: December 20, 2021

  
ALEX G. TSE  
United States Magistrate Judge

United States District Court  
Northern District of California