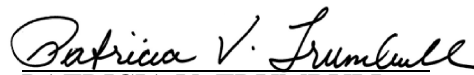


1 showing that the deposing party was reasonably efficient in the use of time during this deposition,
2 and shall also indicate the general nature of the lines of questioning the party still wishes to pursue.

3 IT IS FURTHER ORDERED that for this, and all further depositions, all counsel shall refrain
4 from engaging in speaking objections or engaging in other unnecessary colloquy. All objections to
5 the form of a question shall be made on the record by stating “objection, form.” Deposing counsel
6 may ask for clarification of the objection if he or she so chooses. Otherwise, counsel defending the
7 deposition shall make no further statement about the pending question, nor ask the deposing attorney
8 for clarification. However, the *deponent* may ask for clarification of any question if, *in good faith*,
9 he or she does not understand any portion of it. Repeated requests for clarification interposed for the
10 purpose of obstructing the deposition may result in sanctions. If a question calls solely for privileged
11 information, counsel defending the deposition may instruct the witness not to answer by stating
12 “objection, privilege, I instruct the witness not to answer.” If the full response to a question might
13 include both privileged and unprivileged information, counsel shall state the objection by saying
14 “objection to the extent the question calls for privileged information,” and the deponent shall provide
15 only the unprivileged information, if any. Any objections on the grounds of relevance are preserved
16 for trial and shall not be stated on the record at a deposition. Any other objections shall be made by
17 stating “objection” and citing the section number of the applicable Federal Rule of Evidence, without
18 further discussion.

19 IT IS FURTHER ORDERED that, because this deposition will occur while this judge is
20 unavailable, any mid-deposition disputes should be directed to Magistrate Judge Howard R. Lloyd
21 who is the duty Magistrate Judge in the San Jose division this month. This applies only to disputes
22 over the propriety of a question, or the application of attorney-client privilege or the work product
23 doctrine. For any other dispute that arises during the deposition, the parties shall file a motion (along
24 with a motion to shorten time if warranted).

25 Dated: 9/11/09

26 
27 PATRICIA V. TRUMBULL
28 United States Magistrate Judge