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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOHN J. SARFIELD, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 COUNTY OF SAN BENITO, et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Case No.: C 07-2528 JF (PVT)

**ORDER TO NON-PARTY BRIAN  
CONROY TO SHOW CAUSE WHY HE  
SHOULD NOT BE COMPELLED TO  
APPEAR FOR DEPOSITION**

On December 9, 2008, Defendants filed a Motion to Compel Brian Conroy to Appear for Deposition, along with a stipulation and proposed order to shorten time for hearing the motion.<sup>1</sup> On December 12, 2008 the court signed off on the stipulation and order to shorten time. It has come to the court's attention that non-party Brian Conroy was not a signatory to that stipulated request, and there is no indication in the record that he was ever served with a copy of it. To date, non-party Brian Conroy has not filed any opposition to the motion. Based on the file herein,

IT IS HEREBY ORDERED that the hearing of this motion scheduled for January 6, 2009 is VACATED.

IT IS FURTHER ORDERED that, no later than January 20, 2008, non-party Brian Conroy

<sup>1</sup> The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 shall serve (by mail) and file with this court a declaration showing cause, if any, why he should not  
2 be compelled to appear for deposition.

3 IT IS FURTHER ORDERED that, absent further order of the court, after receipt of non-party  
4 Conroy's response to this order, the court will take Defendants' motion under submission without  
5 further briefing or oral argument.

6 Dated: 1/5/09

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8 PATRICIA V. TRUMBULL  
9 United States Magistrate Judge  
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*Counsel automatically notified of this filing via the court's Electronic Case Filing system.*

copies mailed on 1/5/09 to:

Brian V. Conroy  
631 Donald Drive  
Hollister, CA 95023

/s/ Donna Kirchner for  
CORINNE LEW  
Courtroom Deputy