

United States District Court
For the Northern District of California

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E-FILED 12/15/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CONSTANCE LONDON,

Plaintiff,

v.

SEARS, ROEBUCK & CO., et al.

Defendants.

NO. C 07-5148 JW (RS)

**ORDER RE: DEPOSITION
DISPUTE**

Pursuant to Rule 37 of the Federal Rules of Civil Procedure, defendant Sears, Robuck & Co. ("Sears") moves to compel testimony from plaintiff Constance London that is "straightforward, coherent, and responsive to its deposition questions." Sears further moves for a protective order precluding London's counsel from interfering with her future deposition. In response, London argues, *inter alia*, that offensive remarks were made at her deposition, Sears' counsel was unable to frame proper questions, and she answered all questions. This matter is suitable for disposition without oral argument pursuant to Civil Local Rule 7-1(b).

Having reviewed the briefs and the record submitted, this motion reflects a squabble between opposing counsel that should have been resolved prior to motion practice. The excerpts provided do reflect that London's counsel interjected beyond the appropriate bounds envisioned by the Federal Rules of Civil Procedure. Plaintiff's counsel is reminded that any objections should be limited to stating the grounds on which it is based with instructions not to answer only where a privilege or

1 witness harassment is involved. At the same time, some excerpts reflect questions from defense
2 counsel that London understandably needed to have clarified. Consequently, there is no basis on
3 this record to issue a protective order or to grant a motion to compel. The motion, therefore, is
4 denied without prejudice. That said, at the resumed deposition, plaintiff's counsel is instructed to
5 limit objections as noted above, and to refrain from speaking objections.

6 IT IS SO ORDERED.

7
8 Dated: December 15, 2008

9 
10 RICHARD SEEBORG
11 United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

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6
7 Counsel are responsible for distributing copies of this document to co-counsel who have not
8 registered for e-filing under the Court's CM/ECF program.

9 **Dated: 12/15/08**

Richard W. Wieking, Clerk

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11 **By: _____ Chambers**

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