

1 further examination of Gailitis, saying that it never agreed to a multi-day deposition. This matter
2 is deemed suitable for determination without oral argument. Civ. L.R. 7-1(b). Upon consideration
3 of the parties’ respective positions, the court grants plaintiffs’ request for an additional 30-minute
4 telephone examination.

5 With respect to EA’s argument that the instant DDJR is untimely, the court will credit
6 plaintiffs’ assertion that they were trying to meet-and-confer to resolve a dispute as to which they
7 believed the parties had not reached an impasse.

8 “Unless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7
9 hours.” Fed. R. Civ. P. 30(d)(1). The court must allow additional time consistent with Fed. R.
10 Civ. P. 26(b)(2) if needed for a fair examination. Id.

11 The court finds good cause for the requested extension here. All indications are that
12 Gailitis is a key witness. Plaintiffs wish to conduct a brief redirect examination, to last no more
13 than 30 minutes by phone (and, indeed, plaintiffs are willing to split the 30 minutes with EA, if
14 EA wishes). Gailitis has no problem with the additional examination, notwithstanding that he has
15 already been deposed by the parties for 7 hours. EA has already prepared for, and completed, its
16 examination of Gailitis. The court does not find that preparation for an additional 30-minute
17 telephonic examination will impose an undue burden.

18 As for timing, EA says that the parties already have a full deposition schedule in these last
19 two weeks leading up to the October 15 fact discovery cutoff. Nevertheless, given the limited
20 extension of Gailitis’ deposition being granted here, this court finds that there is some leeway in
21 the current case schedule to allow his further deposition to be conducted beyond the October 15
22 cutoff date without jeopardizing the remaining case deadlines. Accordingly, Gailitis deposition is
23 extended for an additional 30-minute telephonic examination to be completed before the
24 November 15 expert disclosure deadline and on a date that will not require modification of the
25 current case schedule. If EA decides that it wishes to ask the deponent further questions, the 30
26 minutes shall be split equally between plaintiffs and defendant. The parties and Gailitis shall work

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28 EA’s examination, however, Gailitis advised that he had to leave by 5:00 p.m. (Dkt. 339, DDJR
No. 3 at 2).

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together in good faith to find 30 minutes on a date between now and November 15 to complete the deposition. If the parties are unable to schedule a date before then, or if they find that conducting Gailitis' deposition beyond the October 15 cutoff will require modification of the other case management deadlines, they shall seek relief from Judge Whyte.

SO ORDERED.

Dated: October 10, 2013



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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