

United States District Court
For the Northern District of California

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E-Filed 1/6/10

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

ISAIAS GASPERIN,

Plaintiff,

v.

FURNITURE AND MATTRESS
SUPERSTORE, et al.,

Defendants.

No. C 08-04477 RS

**ORDER GRANTING MOTIONS TO
COMPEL AND DENYING MOTION
FOR SANCTIONS**

In September of 2009, plaintiff filed a motion to compel further responses to written discovery and an accompanying motion for sanctions, separately filed in compliance with Civil Local Rule 7-8. In October of 2009, plaintiff filed a motion to compel defendants Steve Bui and Don Bui to appear for deposition. Upon receiving notice from the parties that they wished to participate in a settlement conference prior to going forward with the motions, the Court issued an order denying the motions without prejudice, and referring the matter to Judge Lloyd for a settlement conference. The Court was subsequently advised that the individual defendants failed to appear at the settlement conference. Defense counsel's motion to withdraw was granted, on shortened time.

1 Plaintiff has now renewed both motions to compel and the motion for sanctions. Neither of
2 the individual defendants, now appearing *pro se*, filed any response to the motion or appeared at the
3 hearing. The unrepresented corporate defendant likewise has not responded. Former counsel for
4 defendants appeared at the hearing, both because the sanctions motion was directed in part at
5 counsel and to provide the Court information regarding defendants' efforts to obtain new counsel,
6 but not to offer opposition to the motions to compel.

7 Good cause appearing, the motion to compel depositions is granted. Defendants Steve Bui
8 and Don Bui shall appear for deposition within 30 days of the date of this order, at a date and time
9 to be set by Counsel for plaintiffs, after making reasonable efforts to reach a mutual agreement with
10 defendants as to scheduling.

11 Good cause appearing, the motion to compel further responses to written discovery is
12 granted. Defendants shall serve amended interrogatory responses and shall produce documents
13 within 30 days of the date of this order. If defendants wish to avail themselves of the safeguards of
14 a protective order for any confidential financial information they are required to produce, they must
15 contact plaintiff's counsel as promptly as possible to negotiate a stipulated protective order.

16 Under all the circumstances here, the motion for sanctions is denied. Defendants are
17 advised, however, that failure to comply with this order may result in the imposition of sanctions.
18 In the event plaintiff receives no responses from defendants, plaintiff is directed to commence the
19 process of seeking default judgment.

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IT IS SO ORDERED.

Dated: 1/6/10



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER WAS ELECTRONICALLY PROVIDED TO:

- Adam Wang adamqwang@gmail.com, rosilenda@gmail.com
- Adam Lee Pedersen alpedersen@gmail.com
- Jenifer Gardella gardellalaw@mindspring.com

AND A HARD COPY OF THIS ORDER WAS MAILED TO:

- Steve Bui
5050 Mission Street
San Francisco, CA 94112
- Don Bui
5050 Mission Street
San Francisco, CA 94112

DATED: January 6, 2010

/s/ Chambers Staff
Chambers of Judge Richard Seeborg