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**** E-filed April 21, 2010 ****

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THERESE ARIZMENDI; BABY
ARIZMENDI, a minor, by and through his
mother THERESE ARIZMENDI,

No. C08-05163 JW (HRL)

**ORDER RE: MID-DEPOSITION
DISPUTE**

Plaintiffs,

v.

CITY OF SAN JOSE, et al.,

Defendants.

On April 19, 2010, the parties contacted the court with a dispute concerning the scope of questions and the production of documents at a deposition for the person representing plaintiff Baby Arizmendi, then in progress. As the court was unavailable at that time, it arranged to hear the dispute through a conference call to the court on April 21, 2010.¹ During this call, plaintiffs' counsel and defendants' counsel stated their respective positions. The court ruled as follows:

1. Questions concerning the legitimacy of Baby Arizmendi are relevant under the circumstances of this case. Plaintiffs' counsel's instructions to the representative, Therese Arizmendi, not to answer such questions were improper under Fed. R. Civ. P. 30(c)(2).
2. Baby Arizmendi's representative shall produce the child's birth certificate and the Arizmendi's marriage certificate. If the representative cannot produce these records, she shall sign appropriate authorizations to allow defendants to obtain the records.


¹ As the court noted during the call, this was an exceptional accommodation. In the future, the parties shall file an appropriate motion if the court is unavailable to resolve a mid-deposition dispute.

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3. Questions seeking the intent of the mother, Therese Arizmendi, in leaving her child at her home on the night of the events at issue in this case are not within the scope of a deposition of the child's representative.
4. Requests to produce documents concerning initial disclosures are not within the scope of this deposition. However, plaintiffs represent that they have produced all documents referenced in their initial disclosures. As such, this dispute does not seem to be an issue.

IT IS SO ORDERED.

Dated: April 21, 2010



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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

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