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**** E-filed February 8, 2011 ****

NOT FOR CITATION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

EDWIN MARTINEZ, et al.,

No. C09-00997 HRL

Plaintiffs,

ORDER TO SHOW CAUSE TO CHRIS OLIVERIO RE: HIS FAILURE TO APPEAR FOR DEPOSITION

v.

ANTIQUE & SALVAGE LIQUIDATORS, INC., et al.,

Defendants.

On November 29, 2010, Plaintiffs personally served non-party Chris Oliverio with a subpoena requiring his attendance at a deposition noticed for December 6, 2010. See Docket No. 51, ¶¶ 6-7; Ex. 1. Oliverio did not appear for the deposition, and Plaintiffs say that subsequent efforts to reschedule the deposition have been unsuccessful. Id. at ¶¶ 9-10.

Therefore, on or before **March 1, 2011 at 10:00 a.m.**, Oliverio shall either (1) appear for his deposition at a date, time, and place agreed to between himself and Plaintiffs' counsel or (2) appear in Courtroom 2, 5th Floor, United States District Court, 280 South First Street, San Jose, CA 95113 and show cause, if any, why he should not be held in contempt under Federal Rule of Civil Procedure 45 for his failure to obey the subpoena.


Plaintiffs shall personally serve Oliverio with a copy of this order by **February 14, 2011**.

United States District Court
For the Northern District of California

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IT IS SO ORDERED.

Dated: February 8, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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C09-00997 HRL Notice will be electronically mailed to:

| | |
|-----------------------|--|
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