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**\*E-FILED 06-01-2011\***

NOT FOR CITATION  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

KEVIN EMBRY, an individual, on behalf of  
himself, the general public and those similarly  
situated,

Plaintiff,

v.

ACER AMERICA CORPORATION; and DOES  
1 THROUGH 50,

Defendant.

No. C09-01808 JW (HRL)


**ORDER DENYING DEFENDANT'S EX  
PARTE MOTION FOR ADDITIONAL  
DEPOSITION TIME**

[Re: Docket No. 156]

Defendant moves, on a purported ex parte basis, for an order allowing four additional hours to depose plaintiff's expert witness Kendyl Roman. Plaintiff opposes the motion. Defendant's motion, which was not properly brought as an ex parte matter under Civil Local Rule 7-10, is procedurally improper. Moreover, on the record presented, this court finds no good cause for allowing a further deposition of plaintiff's expert. The motion is denied.

SO ORDERED.

Dated: June 1, 2011

  
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HOWARD R. LEYD  
UNITED STATES MAGISTRATE JUDGE

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Adam Gutride adam@gutridesafier.com  
Adam Joseph Bedel ajbedel@quinnemanuel.com  
Jeffery David McFarland jdm@quinnemanuel.com, lig@quinnemanuel.com  
Seth Adam Safier seth@gutridesafier.com  
Stan Karas stankaras@quinnemanuel.com, calendar@quinnemanuel.com,  
marthaherrera@quinnemanuel.com  
Todd Michael Kennedy todd@gutridesafier.com  
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