

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES FIRE INSURANCE )  
COMPANY, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
VESTA STRATEGIES, LLC, ET AL., )  
 )  
Defendants. )  
 )  
\_\_\_\_\_)  
AND CROSS-ACTION, COUNTER- )  
ACTION, AND RELATED ACTION )  
\_\_\_\_\_)

Case No.: C 09-2388 JW (PSG)  
Case No.: C 10-5238 JW (PSG)

**ORDER GRANTING UNOPPOSED  
MOTION FOR AN ORDER  
AUTHORIZING THE DEPOSITION OF  
JOHN TERZAKIS, AN  
INCARCERATED DEPONENT**

On June 20, 2011, Counter-Claimant and Plaintiff Thomas Dillon noticed a motion to depose John Terzakis (“Terzakis”) who is currently confined in prison. Pursuant to Civ. L.R. 7-3(a), any opposition to the motion was due no later than July 5, 2011. On June 21, 2011, Plaintiff and Counter-Defendant United States Fire Insurance Company filed a notice of non-opposition. No parties have filed an opposition to the motion. Pursuant to Civ. L.R. 7-1(b), the court finds this motion is appropriate for determination without oral argument.

Federal Rules of Civil Procedure 30(a)(2)(B) states that a party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(2) if the deponent is confined

1 in prison. Based on the moving papers and the file herein it appears that leave to depose Terzakis is  
2 consistent with Rule 26(b)(2), and leave to take the depositions is thus warranted. Accordingly,

3 IT IS HEREBY ORDERED that the motion is GRANTED. Officials at the prison where  
4 Terzakis is incarcerated shall allow for the parties in the above-captioned matters to depose Terzakis  
5 at dates and times that are mutually convenient for the parties and the prisons, but no later than  
6 September 16, 2011. The prisons shall provide appropriate security personnel and a reasonable space  
7 for the depositions, allowing room for the presence of the parties' counsel, a stenographer or court  
8 reporter, Terzakis, and the security personnel. *See, e.g., Edward/Ellis v. New United Motors Mfg.*  
9 *Inc.*, No. C 07-05452 WHA, 2008 WL 4712602, at \*2 (N.D. Cal. Oct. 22, 2008).

10 Dated: July 14, 2011

11   
12 PAUL S. GREWAL  
13 United States Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **Notice of this filing was automatically mailed to counsel via the court's Electronic Case Filing**  
2 **system.**

3 **A copy of this filing was mailed to:**

4 Dept. of Corrections  
5 Santa Clara County Jail  
6 c/o John Terzakis  
7 PFN # EAB249  
8 Booking No. 11013586  
9 180 West Hedding St.  
10 San Jose, CA 95110

11 Dated: July 14, 2011

12 */s/ Chambers Staff*  
13 Chambers of U.S. Magistrate Judge Paul S. Grewal

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32