UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

GREGORY NICHOLAS STESHENKO, Plaintiff, v. THOMAS MCKAY et al., Defendants.	Case No. 5:09-cv-05543-RS **ORDER DENYING MOTION TO STAY AND GRANTING-IN-PART MOTION FOR RECONSIDERATION** **(Re: Docket Nos. 895, 896)**

Following the court's order compelling Plaintiff Nicholas Steshenko to appear for a deposition as an expert witness,[1] Steshenko filed a motion to stay[2] and a motion for reconsideration.[3] The court DENIES Steshenko's motion to stay the order pending resolution of the objection Steshenko submitted to Judge Seeborg.[4]

[1] *See* Docket No. 893 at 1-2.

[2] *See* Docket No. 895 at 1.

[3] *See* Docket No. 896 at 1.

[4] *See* Docket No. 894 at 1.

The court is sympathetic to potential prejudice to Steshenko, but recognizes that Steshenko too played a role in any delay of discovery.[5] The court therefore GRANTS Steshenko's motion to reconsider IN-PART. Defendants' deposition of Steshenko may not exceed three hours.

SO ORDERED.

Dated: November 25, 2014

PAUL S. GREWAL
United States Magistrate Judge

[5] *See* Docket No. 893 at 1-2.