

\*E-Filed: April 22, 2014\*

NOT FOR CITATION  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

MARTIN DELGADO, ET AL.,

No. C10-02799 HRL

Plaintiffs,

v.

**ORDER RE DEFENDANTS'  
SUPPLEMENTAL REPORT TO  
DDJR#1**

MARIA DEANDA, ET AL.,

**[Re: Docket No. 85]**

Defendants.

On March 24, 2014, the Court ordered Defendants to serve new notices of deposition and requests for production to occur between April 3 and April 7, 2014. Plaintiffs were ordered to appear at their depositions with responsive documents and to serve written responses or objections at least one day prior.<sup>1</sup> According to Defendants Supplemental Report to DDJR#1, they timely served the notices setting deposition and production dates for April 3 and April 4. However, on April 2, Plaintiffs' counsel sent an email to Defendants' counsel indicating that he would be unavailable for the depositions, and he suggested postponing the depositions to April 8 or later, in violation of the Order. Defendants now request a second Court order for Plaintiffs to appear at their depositions on April 24 and 25 with responsive documents, and they request that any objections are

<sup>1</sup> In the order, the Court incorrectly stated that Defendants noticed depositions and related document requests for only two of the four plaintiffs, one on February 13 ("Delgado Request") and one on February 14 ("Martinez Request"). In fact, Defendants noticed depositions and document requests for all four plaintiffs, two on February 13 and two for February 14. Accordingly, the Court's analysis and order for relief pertaining to the "Delgado Request" applied to both Martin Delgado and Ricardo Delgado, and likewise, the "Martinez Request" refers to both Angel Martinez and Adrain Alcotzi.

1 deemed waived. Moreover, Defendants request that Plaintiffs be ordered to provide and pay for their  
2 own certified interpreter for their depositions. Plaintiffs have not responded.

3 The Court grants most of Defendants' requested relief. Plaintiffs are ordered to appear for  
4 their depositions on April 24 and April 25 and to produce responsive documents.<sup>2</sup> Additionally, any  
5 objections to Defendants requests for production have been waived. The Court will not order  
6 Plaintiffs to produce their own interpreter for the depositions. However, Defendants may move for  
7 an order awarding them the cost of an interpreter as well as any other costs and fees incurred on  
8 account of Plaintiffs' violation of the Court's order. Moreover, Plaintiffs and their counsel are  
9 cautioned that failure to abide by this order may expose them to the full range of sanctions,  
10 including dismissal. *See* Fed. R. Civ. P. 37(b).

11 **IT IS SO ORDERED.**

12 Dated: April 22, 2014

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15 HOWARD R. LLOYD  
16 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>2</sup> Although the time between this order and the date for compliance is short, Plaintiffs will have been  
on notice of the deposition date for at least 14 days, and the requests for production of documents  
were first served over three months ago.

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