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E-FILED 07-01-2011

Attorneys for Defendant PROGRESSIVE CASUALTY INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

VALLEY COMMUNITY BANK,
Plaintiff,
vs.
PROGRESSIVE CASUALTY
INSURANCE COMPANY, an Ohio
Corporation,
Defendant.

Case No. CV 11-00574 JF
(Removed from State Court February 8,
2011)
~~PROPOSED~~
**ORDER ALLOWING
DEPOSITIONS OF PRISONERS**
[Re: Docket No. 26]

Having reviewed and considered the Stipulation of the parties, and good cause appearing therefor,

IT IS HEREBY ORDERED as follows:

(1) Leave is granted, pursuant to Federal Rule 30(a) (2) (B), for the parties herein to take the deposition of William Del Biaggio, III, as follows:

(a) The prison officials at Lompoc Federal Correctional Complex ("Lompoc") are ordered to cooperate with the Santa Barbara County Sheriff's department in effectuating service of a deposition subpoena upon William Del Biaggio, III;

(b) All attorneys who will attend the deposition, together with all court reporters and videographers, shall, prior to the date of the deposition, complete

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1 and deliver to Lompoc a NCIC Authorization for Release of Information form;

2 (c) All attorneys, court reporters, videographers and other
3 individuals attending the deposition shall submit to Lompoc a listing of all items
4 that will be brought into the prison;

5 (d) If any party desires to videotape the deposition, that party shall
6 submit to Lompoc a request that a videographer be allowed to record the proceedings, and shall
7 submit to Lompoc a list of all equipment that the videographer will possess when they attend the
8 deposition;

9 (e) Each party shall submit a letter to Lompoc stating the names of
10 all individuals who will be attending the deposition;

11 (f) The deposition shall be taken on a date to be approved by
12 Lompoc and Lompoc is ordered that in selecting the date to give full and fair
13 consideration to the date or dates requested by the parties.

14 (2) Leave is granted, pursuant to Federal Rule 30(a) (2) (B), for the parties
15 herein to take the deposition of David Scott Cacchione, as follows:

16 (a) The prison officials at Herlong Federal Correctional Institution
17 ("Herlong") are ordered to cooperate with the Lassen County Sheriff's department in
18 effectuating service of a deposition subpoena upon David Scott Cacchione;

19 (b) All attorneys who will attend the deposition, together with all
20 court reporters and videographers, shall, prior to the date of the deposition, complete
21 and deliver to Herlong a NCIC Authorization for Release of Information form;

22 (c) All attorneys, court reporters, videographers and other
23 individuals attending the deposition shall submit to Herlong a listing of all items that
24 will be brought into the prison;

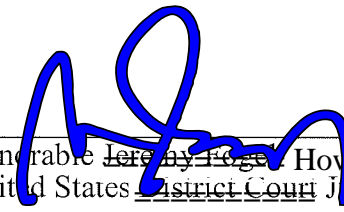
25 (d) If any party desires to videotape the deposition, that party shall
26 submit to Herlong a request that a videographer be allowed to record the
27 proceedings, and shall submit to Herlong a list of all equipment that the
28 videographer will possess when they attend the deposition;

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(e) Each party shall submit a letter to Herlong stating the names of all individuals who will be attending the deposition;

(f) The deposition shall be taken on a date to be approved by Herlong and Herlong is ordered that in selecting the date to give full and fair consideration to the date or dates requested by the parties.

DATED: July 1, 2011



Honorable ~~Jerome R. Herlong~~ Howard R. Lloyd
United States ~~District Court~~ Judge
Magistrate