

E-FILED: June 24, 2013

NOT FOR CITATION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

VIASPHERE INTERNATIONAL, INC.,

No. C12-01536 HRL

Plaintiff,

[Re: Dkt. Nos. 55, 57, 60]

v.

ARAM VARDANYAN,

**ORDER GRANTING VARDANYAN'S
MOTION FOR RECONSIDERATION**

Defendant.

**ORDER DENYING MOTION FOR
SANCTIONS FILED BY VIASPHERE,
MOROYAN, AND ALPHA VENTURES**

ARAM VARDANYAN,

Plaintiff,

No. C12-05645 HRL

v.

ANTHONY MOROYAN; ALPHA
VENTURES, LLC,

[Re: Dkt. No. 27]

Defendants.

In its order on Discovery Dispute Joint Report (DDJR) #1, the court ruled that Vardanyan, who lives in Armenia, must travel to Northern California for his deposition.¹ Shortly after, Vardanyan moved this court to reconsider its order on account of his poor health, which allegedly made air travel unsafe.² In support, he submitted two "Health Certificates"

¹ Vardanyan is the defendant in Case No. C12-01536 and the plaintiff in later-filed Case No. C12-05645. Both actions have been consolidated for discovery. For convenience, Vardanyan may be referred to here as "defendant" and Viasphere as "plaintiff."

² Vardanyan's "Ex Parte Application for New 'Order re Amended Discovery Dispute Joint Report #1,'" filed on February 26, 2013 (Dkt. No. 55) will be terminated as moot. His later filed motion for leave to seek reconsideration is treated as the operative

1 from Armenia's Center of Preventative Cardiology. Following an Interim Order from the court,
2 he submitted a more detailed third Health Certificate and additional material. The gist of the
3 medical information is that defendant has been continuously treated from September 2011 to the
4 present for chronic heart disease and that long air travel is "prohibited" due to the risk of heart
5 attack or stroke.

6 Plaintiff scoffs at the adequacy of the medical justification for excusing Vardanyan from
7 coming to the United States for deposition and wonders if defendant just does not want to
8 bother. The court itself harbors some doubt about the severity of Vardanyan's health
9 impairment, but it is not prepared to order him to do something his doctor has forbidden for
10 medical reasons.

11 Accordingly, the court reconsiders its previous order and reverses it. Vardanyan does
12 not have to travel to California for his deposition. Plaintiff has the choice of either (1) taking
13 the deposition face-to-face in Armenia, or (2) taking it long distance by suitable electronic
14 video means (i.e., Skype).

15 The related motion for sanctions filed by Viasphere, Moroyan, and Alpha Ventures is
16 denied.

17 SO ORDERED.

18 Dated: June 24, 2013

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20 _____
21 HOWARD R. FLOYD
22 UNITED STATES MAGISTRATE JUDGE
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motion.

1 5:12-cv-01536-HRL Notice has been electronically mailed to:

2 Ara Aroustamian ara@lawaa.com

3 Helene Anastasia Simvoulakis hsimvoulakis@pahl-mccay.com, ssamayoa@pahl-mccay.com

4 Stephen Donald Pahl spahl@pahl-mccay.com, tmeek@pahl-mccay.com

5 Varand Vartanian Varand@lawaa.com

6

7 5:12-cv-05645-HRL Notice has been electronically mailed to:

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9 Helene Anastasia Simvoulakis hsimvoulakis@pahl-mccay.com, ssamayoa@pahl-mccay.com

10 Stephen Donald Pahl spahl@pahl-mccay.com, tmeek@pahl-mccay.com

11 Varand Vartanian Varand@lawaa.com

12

13 **The court is providing a copy of this order to the Special Master.**

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