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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BLAIR REDMOND,  
Plaintiff,  
v.  
SAN JOSE POLICE DEPARTMENT, et al.,  
Defendants.

Case No.14-cv-02345-BLF (SVK)  
**ORDER REGARDING JOINT  
STATEMENT RE: RULE 30(B)(6)  
DEPOSITION RESPONSE**  
Re: Dkt. No. 126

The parties have submitted a Joint Statement Regarding Rule 30(b)(6) Deposition Response (ECF 126). In the Joint Statement, the parties present three issues: 1) continuation of Rule 30(b)(6) depositions beyond the fact discovery cutoff; 2) Defendant’s assertion that certain additional 30(b)(6) depositions are not necessary as to certain topics; and 3) the appropriateness of instructions not to answer during 30(b)(6) depositions. Two of the issues have been resolved. The Court granted the parties’ request to continue depositions in April 2017 (ECF 128). The parties are in agreement that instructions not to answer during a 30(b)(6) depositions are inappropriate when based on questioning that may be beyond the scope of the 30(b)(6) notice. (ECF 126 at 5-6.) Thus, the only issue that remains is the necessity of additional 30(b)(6) depositions. Having read the statement and determined additional briefing and a hearing are unnecessary, the Court rules as follows.

The parties and the court have a duty to secure “the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1. When a party notices and subpoenas a public entity, the named entity has a duty to designate “one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf.” Fed. R. Civ. P. 30(b)(6). The entity “may set forth, for each person designated, the matters on which the

1 person will testify,” and the designated persons “shall testify as to matters known or reasonably  
2 available” to the entity. *Id.* An entity satisfies its duty under Rule 30(b)(6) by producing a live  
3 witness that is knowledgeable on the subject matter identified as the area of inquiry. *See La. Pac.*  
4 *Corp. v. Money Mkt. 1 Inst. Inv. Dealer*, 285 F.R.D. 481, 487 (N.D. Cal. 2012). An entity may  
5 also satisfy its Rule 30(b)(6) obligation by offering to be bound by prior deposition testimony  
6 regarding a noticed Rule 30(b)(6) topic. *See Novartis Pharms. Corp. v. Abbott Labs.*, 203 F.R.D.  
7 159, 163 (D. Del. 2001); *E.E.O.C. v. Boeing Co.*, No. CV 05-03034-PHX-FJM, 2007 WL  
8 1146446, at \*2 (D. Ariz. Apr. 18, 2007).

9 Plaintiff has requested a 30(b)(6) witness for over 30 topics. Defendant asserts that for  
10 those topics it has either already produced individual fact witnesses or that no such witness exists.  
11 Plaintiff has agreed to evaluate the prior testimony of individual witnesses provided that the  
12 Defendant identifies the relevant pages and lines of testimony that it is offering in lieu of  
13 providing an additional 30(b)(6) witness. (ECF 126 at 4.) Defendant argues that being forced to  
14 identify the precise testimony by line and page number would be overly burdensome. (ECF 126 at  
15 5.)

16 Plaintiff is entitled to 30(b)(6) depositions. *See La. Pac. Corp.*, 285 F.R.D. at 187. Rule 1,  
17 however, favors designation of prior testimony, if sufficient, to avoid duplicative discovery efforts  
18 and expenses. The Court therefore orders Defendant to identify the testimony it designates as  
19 responsive to the 30(b)(6) notice by deposition topic, page number, and line. This Order is  
20 without prejudice to Plaintiff to renew a request for deposition if Plaintiff can make a showing that  
21 the designated testimony is insufficient.

22 **SO ORDERED.**

23 Dated: 4/6/2017

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26 SUSAN VAN KEULEN  
27 United States Magistrate Judge  
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