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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Plaintiff,

v.

BAYONE REAL ESTATE INVESTMENT
CORPORATION, et al.,

Defendants.

Case No.15-cv-02248-BLF (SVK)

**ORDER ON PARTIES' DISPUTE
REGARDING THIRD PARTY
DEPOSITION**

Re: Dkt. Nos. 62, 64

The parties have submitted separate letter briefs concerning whether Plaintiff may serve a deposition subpoena on a third-party deponent, Sarah C. Huang, by certified mail rather than personal service. ECF 62, 64. Fact discovery has closed, so Plaintiff also seeks to reopen discovery for purposes of taking Ms. Huang's deposition. Plaintiff's request to change the fact discovery cutoff for purposes of taking Ms. Huang's deposition is DENIED. To obtain a change to the case schedule, Plaintiff must file a stipulation or a motion to change time with the district court judge under Civil Local Rule 6-2 or 6-3.

In the event the district court reopens discovery for the purpose of taking Ms. Huang's deposition, this Court GRANTS Plaintiff's request to serve Ms. Huang by alternative means. Plaintiff may serve Ms. Huang with a deposition subpoena via certified mail, with a copy of the subpoena served by certified mail on Ms. Huang's attorney, Kent Tierney. The deposition of Ms. Huang must be completed by whatever deadline is set by the district court, and service of the subpoena must be completed at least 10 days before the date of the deposition.

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SO ORDERED.

Dated: March 17, 2017



SUSAN VAN KEULEN
United States Magistrate Judge