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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 EONLINE GLOBAL, INC, et al.,

8 Plaintiffs,

9 v.

10 GOOGLE LLC,

11 Defendant.

Case No. 16-cv-05822-EJD (SVK)

**ORDER REGARDING JULY 10, 2018,
JOINT DISCOVERY LETTER BRIEF
RE LOCATION OF DEPOSITIONS**

Re: Dkt. No. 61

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13 Before the Court is the parties' joint discovery letter brief regarding the location of the
14 depositions for two principals of Plaintiff companies, Travis Newman and Mark Ashworth. See
15 ECF 61. Plaintiffs have determined that Mr. Newman will also testify as a Rule 30(b)6 witness.
16 Id. at 2. Mr. Newman and Mr. Ashworth reside in South Carolina and Arizona, respectively. Id.
17 at 1. Defendant Google, Inc. ("Google") contends that the two deponents should travel to the
18 Northern District of California to sit for their depositions. Id. Plaintiffs argue that appearing for
19 deposition out-of-state presents significant hardships in terms of both cost and time. Id. at 2.
20 Pursuant to Civil Local Rule 7-1(b), the Court deems this matter suitable for determination
21 without oral argument and ORDERS as follows:

22 The parties acknowledge the general rule that the plaintiff must produce its agents for
23 deposition in the forum where the plaintiff filed suit. Id. at 2, 4; See also Perdana Capital Inc. v.
24 Chowdry, 2010 WL 11475933, at *3 (N.D. Cal. Sept. 2, 2010) (citation omitted). The parties also
25 acknowledge that in this case, the suit is filed in the Northern District of California pursuant to a
26 forum selection clause drafted by Google. ECF 61 at 2, 4. The parties do not address whether
27 Google would have been subject to personal jurisdiction in either South Carolina or Arizona. The
28 Court is not inclined to deviate from the general rule. Google's proposed compromise to evenly

1 split the airfare and hotel costs substantially mitigates Plaintiffs' claim of hardship. ECF 61 at 5.
2 This proposal presents a reasonable compromise in light of the facts presented.

3 The Court ORDERS Plaintiffs to produce Mr. Newman and Mr. Ashworth for deposition
4 in the Northern District of California. The parties shall split the two deponents' economy travel
5 costs evenly. To further mitigate any hardship related to missing days of work, the depositions
6 may take place on the weekend, at Plaintiffs' discretion.

7 **SO ORDERED.**

8 Dated: July 13, 2018

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11 SUSAN VAN KEULEN
12 United States Magistrate Judge

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