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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LAVONNE BAKER,  
Plaintiff,  
v.  
SANTA CLARA UNIVERSITY,  
Defendant.

Case No.17-cv-02213-EJD (VKD)

**ORDER RE JOINT DISCOVERY  
LETTER BRIEF RE 30(B)(6) AND  
BRADY DEPOSITIONS**

Re: Dkt. No. 80

On August 21, 2018, the parties submitted a joint discovery letter brief regarding the depositions of Mike Brady and defendant Santa Clara University (“SCU”) pursuant to Federal Rule of Civil Procedure 30(b)(6). Dkt. No. 80. Plaintiff LaVonne Baker seeks an order compelling the full-day deposition of Mr. Brady, as well as the deposition(s) of 30(b)(6) witness(es) for categories 1, 5, and 9 as identified in Ms. Baker’s counsel’s August 3, 2018 email to SCU’s counsel. Dkt. No. 80, Ex. D. Fact discovery closed on August 10, 2018.

Ms. Baker initially noticed Mr. Brady’s deposition for August 7, 2018 at 9:00 a.m., although SCU contends that such notice was insufficient and therefore improper. A deposition for another witness was scheduled for the same day at 3:00 p.m. On August 4, 2018, SCU’s counsel informed Ms. Baker’s counsel that Mr. Brady would be unable to attend a deposition on August 7 due to a family emergency, and stated that SCU would stipulate that Ms. Baker could take Mr. Brady’s deposition after the August 10, 2018 fact discovery deadline. Dkt. No. 80, Ex. B.

On July 31, 2018, the Court issued an order resolving the parties’ dispute concerning Ms. Baker’s Rule 30(b)(6) deposition notice to SCU. Dkt. No. 69. Thereafter, once it became clear that the 30(b)(6) deposition of SCU on categories 1, 5, and 9 in the notice could not be completed

1 before the fact discovery deadline, the parties initially agreed to stipulate that Ms. Baker could  
2 also take the 30(b)(6) deposition after August 10, 2018. Dkt. No. 80, Exs. C, D, 2. However, after  
3 Ms. Baker filed a Joint Stipulation to Depose Witness After the Discovery Cut-off (Dkt. No. 73)  
4 with the Court on August 10, 2018 without SCU's authorization, SCU rescinded its initial  
5 agreement concerning the timing of both the Brady and 30(b)(6) depositions.<sup>1</sup> Dkt. No. 80 at 2, 5–  
6 6.

7 The parties now dispute whether Ms. Baker should be permitted to take *any* depositions  
8 after the August 10, 2018 discovery deadline, and if she is permitted to do so, whether Mr. Brady  
9 should be required to sit for a full day of deposition (7 hours) or a half day of deposition (3.5  
10 hours).

11 As the Court has found previously, Ms. Baker has not acted diligently to obtain discovery  
12 in this case. Dkt. No. 59 at 1; *see also* Dkt. No. 64, Ex. 1 at 3, 5 (stating that plaintiff first served  
13 notice of 30(b)(6) deposition on SCU on May 31, 2018 and took one 30(b)(6) witness on July 24,  
14 2018); Dkt. No. 80 at 6 (noting that plaintiff did not respond to defendant's June 5, 2018 proposal  
15 of dates for the remaining 30(b)(6) depositions until August 8, 2018). Although the fact discovery  
16 deadline has indeed passed, SCU does not identify any material prejudice that it would suffer from  
17 permitting Ms. Baker to take the depositions of Mr. Brady and SCU's representatives. It appears  
18 that SCU was willing to proceed with specific, limited deposition discovery after the deadline, so  
19 long as Ms. Baker obtained the Court's permission to do so.

20 In these circumstances, the Court will permit Ms. Baker to take the individual deposition  
21 of Mr. Brady and the Rule 30(b)(6) deposition of SCU on categories 1, 5, and 9 of Ms. Baker's  
22 Rule 30(b)(6) notice. The depositions must take place no later than **September 7, 2018**, unless  
23 SCU specifically agrees to a different date. The depositions of Mr. Brady and any representative  
24 witness(es) will be limited to a *total* of no more than 7 hours on the record for all deposition  
25 testimony. Ms. Baker may divide the 7 hours between Mr. Brady and the representative witnesses  
26 as she chooses, but she is limited to 7 hours of deposition time total. The parties shall meet and  
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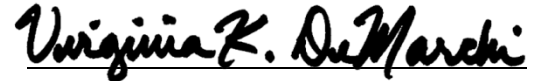
28 <sup>1</sup> Ms. Baker withdrew the unauthorized joint stipulation the next business day on August 13, 2018.  
Dkt. No. 75.

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confer by close of business on **August 24, 2018** to set a date for the depositions.

**IT IS SO ORDERED.**

Dated: August 23, 2018

  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge