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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

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11 DIVIX GOLF, INC.,

12 Plaintiff,

13 v.

14 JEFFREY P. MOHR; REMEDY GOLF, INC.;
15 BANDWAGON, INC.; DIANA SARCOZ; and
16 FELIX HOANG,

17 Defendants.

Civil No. 05cv1488-JAH (CAB)

**ORDER SETTING THE DEPOSITION OF
RANDY SMITH AND DENYING
PLAINTIFF'S EX PARTE APPLICATION
FOR SANCTIONS
[Doc. No. 248]**

18 A status conference was held on May 27, 2010. The purpose of the status conference was to set a
19 firm date within the week for defendant to take the deposition of plaintiff's expert, Randy Smith. [Doc.
20 No. 247.] On May 27, 2010, plaintiff filed an ex parte application for a protective order and for sanctions
21 [Doc. No. 248], which was also addressed during the status conference. After discussing the matters
22 with counsel, the Court **HEREBY ORDERS** the following:

- 23 1. Plaintiff's ex parte motion for a protective order and sanctions [Doc. No. 248] is **DENIED**.
- 24 2. The deposition of Randy Smith will be held on **June 3, 2010 at 10 a.m.** at the United States
25 District Court for the Southern District of California, 940 Front Street, San Diego, CA 92101. Counsel,
26 Mr. Smith, and the court reporter will report to the chambers of Magistrate Judge Bencivengo (first
27 floor, Suite 1131) prior to the deposition. The deposition will take place in one of the chambers'
28 conference rooms. A separate order will be issued allowing the court reporter to bring his/her equipment
into the courthouse.

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2 Failure to abide by this order may be grounds for sanctions, including a recommendation to
3 preclude the expert's testimony at trial.

4 **IT IS SO ORDERED.**

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6 DATED: May 27, 2010

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9 CATHY ANN BENCIVENGO
10 United States Magistrate Judge
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