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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SUSAN V. KLAT,

Plaintiff,

v.

MITCHELL REPAIR INFORMATION
COMPANY, LLC and SNAP-ON, INC.,

Defendants.

Civil No. 08cv1907 JM (CAB)

**ORDER GRANTING DEFENDANTS’
MOTION TO COMPEL PLAINTIFF’S
ATTENDANCE AT DEPOSITION AND
DENYING WITHOUT PREJUDICE
DEFENDANTS’ MOTION FOR
SANCTIONS
[Doc. No. 20.]**

Plaintiff was noticed for a deposition on April 29, 2009, at 10:00 a.m., in the courtroom of the Honorable Cathy Ann Bencivengo. (Defendants’ Exhibit A.) Plaintiff notified Defendants she would not be attending the deposition. (Defendants’ Exhibit B.) On April 29, 2009, Defendants moved for a court order compelling Plaintiff’s attendance at a deposition. Defendants also requested sanctions in the amount of \$750.00, for the expenses incurred in filing the motion. Plaintiff submitted an opposition on May 6, 2009. The Court finds this matter suitable for submission without oral argument pursuant to Local Civil Rule 7.1(d)(1).

Plaintiff argues her deposition is unnecessary because Defendants already know her work history, conditions of employment, rate of pay, standards of accountability, and various duties. This action is before the Court because Plaintiff filed a complaint alleging violations of the Equal Pay Act. While it is true Defendants may already have some knowledge of Plaintiff’s work history, conditions of

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1 employment, rate of pay, standards of accountability, and various duties, Defendants are still entitled to
2 depose Plaintiff in order to clearly ascertain the nature of her complaint. (See April 28, 2009 order of the
3 Hon. Jeffrey T. Miller overruling Plaintiff's objections to the Case Management Order at 2.)

4 It also appears Plaintiff would feel more comfortable if she was not deposed in a courtroom.
5 Judge Bencivengo's courtroom was made available for the convenience of the parties. However, there is
6 no requirement Plaintiff be deposed in a courtroom.

7 For the reasons set forth above, Defendants' motion to compel Plaintiff's deposition is
8 **GRANTED**. Plaintiff shall submit to a deposition **no later than May 15, 2009**. The deposition shall
9 occur at the office of an independent court reporter. Defendants' request for sanctions is **DENIED**
10 **without prejudice**. Should Plaintiff fail to appear at the noticed deposition, this Court shall recommend
11 the matter to the Honorable Jeffrey T. Miller for appropriate sanctions, which may include issue
12 preclusion or terminating sanctions.

13 **IT IS SO ORDERED.**

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15 DATED: May 6, 2009

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18 **CATHY ANN BENCIVENGO**
19 United States Magistrate Judge
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