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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LUZ GONZALEZ, et al.,)	Civil No.13-0861-LAB(WVG)
)	
Plaintiffs,)	ORDER REGARDING JOINT
)	STATEMENT FOR
v.)	DETERMINATION OF
)	DISCOVERY DISPUTE
UNITED STATES OF AMERICA,)	PERTAINING TO DEPOSITION
)	FEEES SOUGHT BY
Defendants.)	PLAINTIFF'S DESIGNATED
)	EXPERT DR. TODD LEMPERS
_____)	

On March 27, 2014, counsel in this case submitted to the Court a Joint Statement For Determination of Discovery Dispute Regarding Deposition Fees Sought By Plaintiff's Designated Expert In Interventional Radiology, Dr. Todd Lempert ("Joint Statement"). In the Joint Statement, Defendant sought a protective order regarding the \$800 hourly deposition fee sought by Dr. Lempert. Defendant requests that the Court restrict Dr. Lempert's deposition fee to \$750 per hour, the maximum allowed under the guidelines for the United States Attorney's Office in this district.

1 On April 7, 2014, the Court held an in-chambers
2 hearing on this matter. Defendant was represented by
3 Steven Poliakoff. Plaintiff was represented by Bronislav
4 Dragonov.

5 Federal Rule of Civil Procedure 26(b)(A) and (E)
6 state in pertinent part:

7 (A) A party may depose any person who has been
8 identified as an expert whose opinions may be
9 presented at trial... (E) Unless manifest
10 injustice would result, the court may require
11 that the party seeking discovery (i) pay the
12 expert a reasonable fee for time spent in
13 responding to discovery under Rule 26(b)(4)(A)
14 or (D)... (emphasis added).

15 Here, the guidelines by the Unites States Attorney's
16 Office and the exhibits and declaration offered by Defen-
17 dant that support the hourly deposition rates for
18 interventional radiologists in this area establish that
19 \$750 per hour for deposition testimony is a reasonable
20 hourly rate to compensate an interventional radiologist
21 for a deposition. In fact, at the hearing, Plaintiff
22 agreed that \$750 per hour was a reasonable rate for Dr.
23 Lempert's deposition testimony. Further, Plaintiff has not
24 shown that manifest injustice would result if Defendant
25 did not compensate Dr. Lempert at the hourly deposition
26 rate of \$800.

27 Therefore, for good cause shown, the Court GRANTS
28 Defendant's Application for a Protective Order. Accord-
ingly, the Court ORDERS:

 Defendant shall reimburse Dr. Lempert at the hourly
rate of \$750 for his deposition for the entire duration of

1 the deposition, as well as court reporter fees for the
2 entire deposition. Plaintiff shall compensate Dr. Lempert
3 for his remaining hourly rate.

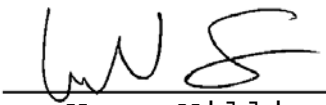
4 IT IS SO ORDERED.

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6 DATED: April 7, 2014

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Hon. William V. Gallo
U.S. Magistrate Judge

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