

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA

3 Victor Willis,  
4 Plaintiff,  
5 v.  
6 Scorpio Music (Black Scorpio) S.A.,  
7 et al.,  
8 Defendants.

Case No.: 15-cv-01078-BTM-AGS

**ORDER GRANTING IN PART AND  
DENYING IN PART KAREN  
WILLIS'S MOTION TO CLARIFY  
[Doc. 83]**

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10 Would-be intervenor Karen Willis seeks to clarify this Court's order denying Reach  
11 Music's motion to quash. There are a number of procedural problems with her request.  
12 First, Karen Willis failed to file her complaint in intervention in the time allotted by the  
13 District Judge, so she is not currently a party to this litigation. Second, her motion partly  
14 seeks reconsideration on Reach Music's behalf, but she has no standing to assert Reach  
15 Music's interests. Nonetheless, the Court will **GRANT** her request in part and clarify its  
16 previous order. Otherwise, her motion is **DENIED**.

17 On April 10, 2017, this Court denied Reach Music's motion to quash a deposition  
18 subpoena. [Doc. 82.] First, Ms. Willis asks whether this ruling is affected by the pending  
19 motion for voluntary dismissal. The answer is no. If the dismissal motion is granted before  
20 the deposition—or before any other discovery deadline—then that discovery event would  
21 become moot and no one would need to appear. If the dismissal motion is granted in mid-  
22 deposition—or in mid-compliance with any other discovery deadline—then the parties  
23 need not continue, as the authority for that discovery event would no longer exist. But  
24 since no stay has been requested or granted in this case, discovery will continue during the  
25 pendency of any motions, including the pending motion to dismiss. That motion is opposed  
26 by all defendants, and this Court will not pre-judge the district court's ruling on it.

27 Next, Ms. Willis requests that she be allowed to conduct her deposition of defendant  
28 Can't Stop Productions, Inc., during the month of April. Again, discovery is not stayed.

1 So long as their deposition notices comply with the rules and there is no valid reason for a  
2 protective order, the parties may depose whomever they wish, whenever they wish. But  
3 Karen Willis is not a party to this case because she failed to timely file her intervenor  
4 complaint. Unless and until she becomes a party to this case, she may not use the Court's  
5 discovery devices.

6 Finally, Ms. Willis moves the Court to reconsider or clarify its order, to the extent  
7 that it implies that Reach Music may not exercise "its independent right to **finally be heard**  
8 with respect to the third party subpoena." [Doc. 83, at 3.] To reiterate, Ms. Willis lacks  
9 authority to assert Reach Music's rights. Moreover, Reach Music was not denied its right  
10 to "finally be heard." Its motion was heard and denied. What Reach Music may not do is  
11 engage in abusive litigation practices. Reach Music could have asserted its rights months  
12 ago, when it first received notice of the deposition subpoena. Instead, it waited until two  
13 prior motions to quash this subpoena were heard and denied before opposing it. And when  
14 it finally filed its own motion to quash, Reach Music raised no new factual or legal issues  
15 that would change the Court's prior rulings. All litigants may assert their rights and file  
16 timely and proper motions before this Court. But no one is allowed to file repetitive  
17 motions that cause unnecessary delay and needlessly increase the costs of litigation. *See*  
18 Fed. R. Civ. P. 11(b)(1) & (c)(3).

19 Defendants assert that Reach Music's attorney is functioning at Karen Willis's  
20 command and is not truly acting as independent counsel. The current motion does much  
21 to concern this Court that defendants' suspicions are correct. Karen Willis is warned that  
22 any further attempt to advance others' rights in the judicial process may be met with  
23 sanctions.

24 Dated: April 19, 2017

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27 Hon. Andrew G. Schopler  
28 United States Magistrate Judge