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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

KEVIN TYLER,

Plaintiff,

v.

OFFICER F. SALAS, et al.,

Defendants.

Case No. 20cv888-MMA (MSB)

**ORDER GRANTING
DEFENDANTS' EX PARTE
APPLICATION TO TAKE
DEPOSITION OF KEVIN TYLER
(C70238), AN INCARCERATED
PERSON [ECF NO. 18]**

The Court has reviewed Defendants’ November 16, 2020, “Ex Parte Application to Take Deposition of Kevin Tyler (C70238), an Incarcerated Person.” (ECF No. 18.) The Court notes that it does not appear that counsel for Defendants attempted to meet and confer with Plaintiff’s counsel to see if Plaintiff would agree to bring this motion as a joint motion as required by the Court’s Civil Chambers Rule VII. Further, counsel’s declaration does not state whether Plaintiff’s counsel opposes or joins the motion. Nevertheless, Defendants’ counsel did inform Plaintiff’s counsel of this motion on November 13, 2020, and through Defendants’ earlier filed motion, which the Court rejected on discrepancy. (ECF No. 18-1 at 2;

1 ECF Nos. 15 and 17.) As of November 17, 2020, at 5:00 p.m., Plaintiff’s counsel
2 has not informed chambers of any intention to oppose the motion.

3 For good cause shown and noting no opposition, Defendants’ application is
4 **GRANTED.** Defendants may depose Kevin Tyler (C70238) in accordance with
5 the Federal Rules of Civil Procedure and the institution’s rules and regulations,
6 including the presence of correctional officers during the deposition, and may take
7 the deposition by remote means if they choose. The Court Reporter recording the
8 deposition may do so remotely.

9 **IT IS SO ORDERED.**

10 Dated: November 17, 2020

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13 Honorable Michael S. Berg
14 United States Magistrate Judge
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