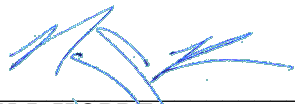


1 disqualification is required under Rule 1.9(a). *See* Local Rule 7-2(d); *see also* *Newdow v. Congress of*
2 *the United States of America*, 435 F. Supp. 2d 1066, 1070 n.5 (E.D. Cal. 2006), *aff'd sub nom.*, *Newdow*
3 *v. Lefevre*, 598 F.3d 638 (9th Cir. 2010). Accordingly, the motion is **GRANTED** in that Mr. Brebbia
4 is found to have a disqualifying conflict pursuant to Rule 1.9(a).¹

5 The motion continues on to argue that disqualification of Mr. Brebbia should result in an order
6 requiring his deposition. *See* Docket No. 153 at 10-12. The Court declines to address that issue because
7 it is not properly before the Court and, indeed, Mr. Brebbia's deposition has not been noticed or
8 subpoenaed at this time. *See* Docket No. 156 at 5-6. To the extent Defendants seek Mr. Brebbia's
9 deposition, they must follow the applicable procedures (1) requesting that deposition and, (2) to the
10 extent a dispute arises following such a request, filing an appropriate discovery motion after conducting
11 the required pre-filing conference (or, alternatively, responding to a motion for protective order).
12 Accordingly, the motion is **DENIED** to the extent it relates to the prospective deposition of Mr. Brebbia.

13 **IT IS SO ORDERED.**

14 DATED: February 8, 2017

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17 NANCY J. KOPPE
18 United States Magistrate Judge
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27 _____
28 ¹ The Court expresses no opinion with respect to Rule 3.7, which Plaintiffs do address in their
opposition brief.