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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CASCADE YARNS, INC.,  
  
Plaintiff,  
  
v.  
  
KNITTING FEVER, INC., et al.,  
  
Defendants,  
  
v.  
  
ROBERT A. DUNBABIN, et al.,  
  
Third Party Defendants.

Case No. 10-cv-00861-RSM-JPD  
  
DISCOVERY ORDER – 3

This matter comes before the Court on Plaintiff’s motion regarding Defendant Knitting Fever Inc.’s (“KFI”) notice of deposition to Third Party Defendant Robert A. Dunbabin, Sr. Dkt. 661. Mr. Dunbabin was previously deposed in November 2011 in connection with a related Pennsylvania lawsuit, though he is not a party to that suit. See Dkt. 504. Plaintiff designated Mr. Dunbabin as its Rule 30(b)(6) deponent in this matter, and KFI submitted deposition notices proposing to depose Mr. Dunbabin in his individual capacity on June 6, 2012, and in his Rule 30(b)(6) capacity on June 5, 2012.

1 Plaintiff objected to this procedure, proposing that Mr. Dunbabin could be deposed in  
2 both his individual and corporate-designee capacity on June 5. KFI did not agree to this  
3 proposal, and instead went forward with a Rule 30(b)(6) deposition on June 5. The parties  
4 have filed a Rule 37 submission requesting that the Court rule as to whether KFI is entitled to  
5 depose Mr. Dunbabin again in his individual capacity. Dkt. 661.


6 Noting two depositions of Mr. Dunbabin was not necessary, because a Rule 30(b)(6)  
7 deponent must provide any relevant information within his or her personal knowledge. *See*  
8 *Detoy v. City and County of San Francisco*, 196 F.R.D. 362, 366-67 (N.D. Cal. 2000).  
9 Furthermore, as noted by the *Detoy* court, requiring a Rule 30(b)(6) to be deposed a second  
10 time “on his or her own behalf seems artificial and wasteful of both the parties’ resources and  
11 the witness’s time. Presumably, if the witness is capable of testifying on behalf of the  
12 designated entity, the witness is also capable of testifying as an individual, at the same  
13 deposition.” 196 F.R.D. at 367.

14 KFI attempts to show why the *Detoy* presumption should not apply here, on the  
15 grounds that KFI did not have enough time to ask all of its corporate *and* personal questions  
16 during the Rule 30(b)(6) deposition. Specifically, KFI argues it did not have enough time to  
17 question Mr. Dunbabin as to his knowledge regarding allegedly defamatory statements, as well  
18 as whether Mr. Dunbabin used his political contributions to encourage government action  
19 against the Defendants. *See* Dkt. 661 at 16. But the deposition transcript excerpts provided by  
20 Plaintiff reveal a different story: it is clear that KFI pursued both of those lines of questioning  
21 on June 5. *See* Guite Decl. (Dkt. 664), Ex. A. A review of the deposition transcript excerpts  
22 does not suggest that KFI was limited in pursuing those topics.

23 Thus, while there may be circumstances where two separate depositions would have  
24 been appropriate, the Court finds that this is not one of those circumstances. Because KFI has  
25 not shown that it did not have the opportunity to fully depose Mr. Dunbabin on June 5, the  
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1 Court will not require Mr. Dunbabin to be deposed again in his individual capacity. The Court  
2 GRANTS Plaintiff's motion (Dkt. 661).

3 DATED this 20th day of June, 2012.

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6 JAMES P. DONOHUE  
7 United States Magistrate Judge  
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