

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: CV 16-02129-SJO (RAOx) Date: June 30, 2017
Title: Cory Spencer, et al. v. Lunada Bay Boys, et al.

Present: The Honorable **ROZELLA A. OLIVER, U.S. MAGISTRATE JUDGE**

Sandra L. Butler N/A
Deputy Clerk Court Reporter / Recorder

Attorneys Present for Plaintiff(s): Attorneys Present for Defendant(s):
N/A N/A

Proceedings: (In Chambers) **MINUTE ORDER RE: DISCOVERY DISPUTE**

The Court is in receipt of Plaintiffs’ and Defendant Alan Johnston’s letter briefs regarding the scheduling of a deposition of Defendant Johnston. Dkt. Nos. 256-57. The Court previously held a telephonic hearing regarding this dispute on June 15, 2017, and the parties subsequently informed the Court that they were unable to resolve the dispute. The Court has considered the arguments presented by each side in their letter briefs.

Defendant Johnston has agreed to make himself available for deposition on July 28, 2017. Dkt. No. 257. The Court finds that although Plaintiff has provided reasonable notice for Defendant Johnston’s noticed deposition, there is good cause to order Defendant Johnston’s deposition to occur on July 28, 2017. Defendant Johnston is currently out of the country for pre-arranged obligations with his sponsor. *See* Dkt. No. 257. Defendant Johnston’s unavailability does not appear to be in bad faith as he previously made himself available for deposition on several dates in February and March 2017, and was in this country until June 2017. *Id.* Additionally, Defendant Johnston had previously represented that he would not be available for a deposition until after the discovery cut-off, *see* Dkt. No. 256, but he has now made himself available for a deposition on July 28, 2017. This is before the discovery cut-off of August 7, 2017. To mitigate any prejudice to Plaintiffs, the Court will make itself available on an expedited basis if Plaintiffs need to compel Defendant Johnston’s testimony based on his responses at his deposition.

Defendant Alan Johnston is ordered to appear for a deposition on **July 28, 2017**. Plaintiffs’ request for sanctions is denied without prejudice to it being renewed if Defendant Johnston fails to appear for his deposition or otherwise impedes, delays or frustrates a fair

