

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA

MINUTE ORDER

DATE: 07/13/2015

TIME: 04:29:00 PM

DEPT: 43

JUDICIAL OFFICER PRESIDING: Kevin DeNoce

CLERK: Tiffany Froedge

REPORTER/ERM:

CASE NO: **56-2015-00465460-CU-BC-VTA**

CASE TITLE: **Aerovironment Inc vs. Torres**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

APPEARANCES

The Court, having previously taken the Motion for Protective Order Regarding Sequence of Discovery and to Compel under submission, now rules as follows:

The Court **denies** Plaintiff's Motion for Protective Order re: Sequence of Discovery; and Motion to Compel Defendant's Depositions and Production of Documents.

Discussion:

Code Civ. Proc., § 2019.020 provides:

"(a) Except as otherwise provided by a rule of the Judicial Council, a local court rule, or a local uniform written policy, the methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or another method, shall not operate to delay the discovery of any other party.

(b) Notwithstanding subdivision (a), on motion and for good cause shown, the court may establish the sequence and timing of discovery for the convenience of parties and witnesses and in the interests of justice."

Code Civ. Proc., § 2025.420 provides:

"(a) Before, during, or after a deposition, any party, any deponent, or any other affected natural person or organization may promptly move for a protective order. The motion shall be accompanied by a meet and confer declaration under Section 2016.040.

(b) The court, for good cause shown, may make any order that justice requires to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense. This protective order may include, but is not limited to, one or more of the following directions:

(2) That the deposition be taken at a different time.

(5) That the deposition be taken only on certain specified terms and conditions.

CCP §2025.450(a) provides that a party may move for an order to compel attendance at a deposition, if after proper service of notice the party fails to appear."

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Based on the Court's ruling on the demurrer and the evidence before the court to date, reliance upon Civil Code of Procedure § 2019.20 shall not be grounds to avoid compliance with depositions and document production.

Plaintiff has not established good cause as to why the depositions need to go first, and prior to Plaintiff providing discovery responses. The Court is not inclined to change the normal timing of discovery in this case. Plaintiff should respond to the written discovery propounded by Defendants and not be excused from its obligations just because it sent out earlier deposition notices. The depositions should take place according to the parties schedules.

Notice to be given by clerk.