

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/04/15

DEPT. WEN

HONORABLE CRAIG D. KARLAN

JUDGE

MANNY MABUNGA
S. MIXON, C.A.

DEPUTY CLERK

HONORABLE
#

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

11:51 am

BC565560

Plaintiff
Counsel

NO APEARANCES

JUDY HUTH
VS
WILLIAM HENRY COSBY, JR.

Defendant
Counsel

170.6 ROSENBERG

NATURE OF PROCEEDINGS:

PLAINTIFF'S EX PARTE APPLICATION REQUIRING
DEFENDANT TO SUBMIT TO DEPOSITION BEFORE
THE DEPOSITION OF THE PLAINTIFF:

In the above-matter heretofore submitted, the Court
rules as follows:

The Court grants Plaintiff's ex parte application
and orders the deposition of Defendant to proceed
first, followed by that of the Plaintiff. In so
ruling, the Court considered the following:

1. On June 8, 2015, Plaintiff noticed Defendant's
deposition for June 26, 2015. Defendant did not
appear, arguing that Fairfield v. Superior Court
(1966) 246 Cal.App.2d 113, mandated a stay of
discovery.
2. On July 23, 2015, one day after the California
Supreme Court denied Defendant's Petition for
Review, Plaintiff again noticed Defendant's
deposition, this time for August 12, 2015. That
same day, Defendant noticed Plaintiff's deposition
for August 10, 2015.
3. Appendix 3.A(e)(3), to the Los Angeles County
Rules of Court states "[w]hen a deposition is
noticed by another party in the reasonably near
future, counsel should ordinarily not notice another

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deposition for an earlier date without the agreement of opposing counsel."

4. The Court does not agree with Defendant's argument that the filing of a Petition for Writ of Mandate stays all discovery under Fairfield, given that unlike in Fairfield, the petition in this matter did not seek review of a discovery order.

5. Even were discovery stayed under Fairfield, California Code of Civil Procedure section 2019.020(b) grants the Court the authority to control the sequence and timing of discovery for the convenience of parties and witnesses and in the interests of justice.

Based upon the Court's ruling, the parties have agreed Defendant's deposition shall take place on October 9, 2015, and the Plaintiff's deposition shall take place on October 15, 2015, at the agreed locations and time.

It is so ordered.

Clerk to give notice.

CLERK'S CERTIFICATE OF MAILING

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Defendant
Counsel

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NATURE OF PROCEEDINGS:

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the MINUTE ORDER RE RULING ON SUBMITTED MATTER upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in SANTA MONICA, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Dated: AUGUST 4, 2015

Sherri R. Carter, Executive Officer/Clerk

By: _____
MANNY MABUNGA

JOHN S.WEST, ESQ.
Allred, Maroko & Goldberg
6300 Wilshire Blvd., Suite 1500
Los Angeles, Ca 90048

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Deputy Sheriff

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Counsel

JUDY HUTH
VS
WILLIAM HENRY COSBY, JR.

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Counsel

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NATURE OF PROCEEDINGS:

MARTIN D.SINGER, ESQ.
Lavelly & Singer
2049 Century Park East, Suite 2400
Los Angeles, Ca 90067-2906

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