

2005 WL 1895457

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United States District Court,  
C.D. California, Western Division.

S.A. THOMAS & E.L. Gibson,

v.

Leory BACA, et al.,

No. CV 04-08448-DDP(SHX). | July 20, 2005.

#### Attorneys and Law Firms

Sandra Butler, Deputy Clerk, for Plaintiffs.

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Erwin Chemerinsky, Duke Law School, Durham, N.C.,  
for plaintiffs.

David D. Lawrence, Paul B. Beach, Michael D. Allen,  
Franscell, Strickland, Roberts & Lawrence, Glendale, CA  
for defendant Baca, Louis R. Miller, Andrew Baum,  
Christensen, Miller, Fink, Jacobs, Glaser & Shapiro LLP,  
Los Angeles, CA for defendants Antonovich, Burke,  
Dana, Knabe, Molina, and Yaroslavsky.

#### Opinion

#### PROCEEDINGS: (IN CHAMBERS)

HILLMAN, Magistrate J.

\*1 Defendants' Ex Parte Application, filed on July 18, 2005 is Denied. The court has considered the moving, Opposition and Reply papers. The deponents, although they clearly have significant governmental responsibilities, do not appear to be of sufficient rank so as to be considered the type of "apex deponents" who may avail themselves of the type of relief sought. They are not heads of governmental agencies. Thus, no extraordinary circumstances need be shown to justify their depositions.

Moreover, given the assertion of plaintiff's counsel that prior depositions have proved fruitless, it appears that his desire to depose the three named deponents is in good faith; that he believes they have relevant testimony; and that their testimony is needed now, rather than later. Sufficient, albeit minimal notice was given of the depositions, and plaintiff need not "reveal his hand" as to the relevancy of these depositions.