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 CENTRAL DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

11)	NO. SACV 03-950-DOC (JTL)
12)	ORDER RE PLAINTIFFS' MOTION FOR
13)	LEAVE TO TAKE THE DEPOSITION OF
14)	INCARCERATED THIRD-PARTY MARTIN
15)	CLEMENT MULLEN
16)	
17)	

11)	ECHOSTAR SATELLITE CORP., ET AL.
12)	Plaintiff,
13)	v.
14)	NDS GROUP PLC, NDS AMERICAS, INC.
15)	Defendants.
16)	
17)	

On September 14, 2006, plaintiffs filed a Motion for Leave to Take the Deposition of Incarcerated Third-Party Martin Clement Mullen pursuant to Fed. R. Civ. P. 30(a)(2). The Court deems this matter suitable for decision without oral argument and takes the hearing set for October 24, 2006 off calendar pursuant to Local Rule 7-15 and Fed. R. Civ. P. 78.

Plaintiffs contend that the testimony of Mullen, who is currently in prison, is both relevant and necessary for plaintiffs to prepare for trial. Plaintiffs also assert that the nature of the testimony sought from Mullen is not cumulative or duplicative of other testimony and cannot be obtained from any other source that is more convenient.


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1 less burdensome, or less expensive.

2 Rule 30(a)(2) of the Federal Rules of Civil Procedure requires
3 that a party obtain leave of court, which shall be granted to the
4 extent consistent with the principles set forth in Rule 26(b)(2), if
5 a person to be examined is confined in prison. Fed. R. Civ. P.
6 30(a)(2). The Court, having reviewed the memorandum of points and
7 authorities and the attached exhibits in support of the motion, finds
8 that the information that plaintiffs seeks from Mullen falls within
9 the limitations set forth in Fed. R. Civ. P. 26(b)(2). Accordingly,
10 the Court GRANTS plaintiffs' Motion for Leave to Take the Deposition
11 of Martin Clement Mullen, Federal Bureau of Prison, Register No.
12 42109-018, who is currently confined in the Federal Correctional
13 Institution located at 5656 Hartford & Pointville Road, Fort Dix, New
14 Jersey 08640.

15 It is further ORDERED that the deposition of Mullen be taken by
16 oral examination, be recorded stenographically, at a time and place to
17 be designated by the Warden of the Federal Correctional Institution in
18 Fort Dix, New Jersey.

19 DATED: October 2, 2006

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22 _____
23 JENNIFER LUM
24 UNITED STATES MAGISTRATE JUDGE
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