

UMG Recordings, Inc. v. Am. Home Assur. Co.

United States District Court for the Central District of California

July 25, 2008, Decided; July 25, 2008, Filed

CV 07-3257-GAF (AGRx)

Reporter

2008 U.S. Dist. LEXIS 130498 *

UMG RECORDINGS, INC. v. AMERICAN HOME ASSURANCE CO., et al.

Prior History: [UMG Recordings, Inc. v. Am. Home Assur. Co., 2008 U.S. Dist. LEXIS 36242 \(C.D. Cal., May 1, 2008\)](#)

Core Terms

discovery, cut-off, depositions, motion to compel, calendared, responses, deposed

Counsel: [*1] For Umg Recording Inc A Delaware Corporation, Universal Music Group Inc A Delaware Corporation, Plaintiffs: Cassandra S Franklin, Sharon T Yuen, Dickstein Shapiro LLP, Los Angeles, CA USA; Joseph Fields, Dickstein Shapiro, New York, NY USA; Kirk A Pasich, Dickstein Shapiro, Los Angeles, CA USA.

For American Home Assurance Company A New York Corporation, Defendant: David A Ring, Todd D McCormick, Michael M Walsh, Sedgwick Detert Moran & Arnold, Los Angeles, CA USA; Jeffrey M Winn, Lawrence Klein, Scott D Greenspan, Sedgwick Detert Moran and Arnold, New York, NY USA; Susan Koehler Sullivan, Sedgwick Detert Moran and Arnold, Los Angeles, CA USA.

Judges: Alicia G. Rosenberg, United States Magistrate Judge.

Opinion by: Alicia G. Rosenberg

Opinion

KNIGGE

On July 21, 2008, Defendant American Home Assurance Company (AHAC) filed a motion to compel further depositions of Harvey Geller and Chipo Sachirarwe Knigge, along with a joint stipulation pursuant to Local Rule 37. Mr. Geller was deposed as a fact witness on May 1, 2008, and Ms. Knigge was deposed as a [Fed. R. Civ. P. 30\(b\)\(6\)](#) witness on May 9, 2008.

This matter is appropriate [*2] for adjudication without oral argument. [Fed. R. Civ. P. 78](#); *Local Rule 7-15*.

The discovery cut-off date in this matter is August 14, 2008. (Docket No. 83.) The Court's Scheduling and Case Management Order requires that "[a]ny motion challenging the adequacy of responses to discovery must be filed timely, served and calendared sufficiently in advance of the discovery cut-off date to permit the responses to be obtained before that date, if the motion is granted."

AHAC's motion to compel was filed on July 21, 2008, and noticed for hearing on August 12, 2008, two days before the discovery cut-off date. AHAC's motion is not calendared sufficiently in advance of the discovery cut-off date to permit the depositions to be completed before the discovery cutoff date even if the motion is granted.

Accordingly, IT IS HEREBY ORDERED that AHAC's motion to compel further depositions of Harvey Geller and Chipo Sachirarwe Knigge is DENIED. The August 12, 2008 hearing date is hereby vacated.

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CIVIL MINUTES - GENERAL

Proceedings: In Chambers RE DEFENDANT'S MOTION TO COMPEL FURTHER DEPOSITIONS OF HARVEY GELLER AND CHIPO SACHIRARWE