For the Northern District of California

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6	IN THE UNITED STATES DISTRICT COURT		
7	FOR THE NORTHERN I	DISTRICT OF CALIFORNIA	
8	TOR THE WORTHERIVE	SIGNATED OF CALLED OR WAY	
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10	EQUAL EMPLOYMENT	No. C 04-04092 WHA	
11	OPPORTUNITY COMMISSION AND RAUL TOMAS GUTIERREZ,		
12	Plaintiffs,	ORDER REGARDING PLAINTIFF	
13	V.	IN INTERVENTION'S REQUEST TO QUASH EMPLOYMENT RECORDS SUBPOENA AND	
14	INTERSTATE HOTELS, L.L.C., HMC ACQUISITION PROPERTIES, INC.,	NOTICES OF DEPOSITIONS OF FRANCISCO MELARA,	
15	dba SAN FRANCISCO MARRIOTT AT FISHERMAN'S WHARF; JOHN	DR. KROES, RON MALONE AND XIU MIN LI	
16	TROVATO; PENNY RICHARDSON,	AND ATO MIN LI	
17	Defendants.		
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19	On June 17, 2005, the parties appeared before the Court for a telephone hearing on the		
20	June 14, 2005, request of plaintiff in Intervention Raul Gutierrez ("Gutierrez") to quash		
21	defendants' employment records subpoena to the Sir Francis Drake Hotel and the notices of		
22	depositions of Francisco Melara, Dr. Kroes, Ron Malone, and Xiu Min Li. After reviewing the		
23	respective papers and hearing the argument of counsel, the Court adopted the following ruling		
24	1 D1-:4:00:	Sa magazat ta gazat Dafan danta' galan agas	

Plaintiff in intervention's request to quash Defendants' subpoena to the Sir Francis Drake Hotel is granted in part. Defendants' subpoena to the Sir Francis Drake Hotel is limited to the period covering September 1, 2003, to December 31, 2004.

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2.	Plaintiff in intervention's request to quash the deposition notice of
Ron Malone is	denied.

- 3. Plaintiff in Intervention's request to quash the deposition notices of Xiu Min Lin, Francisco Melara and Dr. Kroes is denied without prejudice. Defendants, however, are limited to a maximum of ten depositions. It is the Court's understanding that at this time defendants have taken nine depositions and that the deposition of Xiu Min Lin, noticed for June 22, if it goes forward, would be the tenth deposition. Merely noticing a deposition, however, does not count as a deposition. If defendants need more than ten depositions, they may seek leave of court.
- 4. Plaintiffs shall have leave to conduct the deposition of Allen Warner on June 27, 2005.

IT IS SO ORDERED.

Dated: June 23, 2005.

