

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ASIS INTERNET SERVICES,

No. C-05-05124 JCS

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
MOTION FOR EVIDENTIARY  
SANCTIONS FOR FAILURE TO  
PRODUCE WITNESS AT DEPOSITION  
[Docket No. 285]**

v.

OPTIN GLOBAL, INC., ET AL.,

Defendants.

---

Plaintiff has filed a Motion for Evidentiary Sanctions for Failure to Produce Witness [Jen Evans] at Deposition (the "Motion") [Docket No. 285]. The Court has determined that the Motion is appropriate for decision without oral argument. The Court has reviewed the record in this case, and it is clear to the Court that both sides bear some measure of responsibility in the difficulty in scheduling Ms. Evans' deposition. Moreover, Ms. Evans has now been deposed. Accordingly, good cause appearing, the Motion is DENIED.

IT IS SO ORDERED.

Dated: December 4, 2007

  
\_\_\_\_\_  
JOSEPH C. SPERO  
United States Magistrate Judge