UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. <u>CV 23-7593-HDV (KSx)</u>	Date: March 3, 2025	
Title Robert Hunter Biden v. Garrett Ziegler e	t al.	
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Present: The Honorable: Karen L. Stevenson, Chief United States Magistrate Judge		
Gay Roberson	XTR 03/03/2025	
Deputy Clerk	Court Reporter / Recorder	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	
Zachary Hansen	Jennifer Holliday	
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Proceedings: TELEPHONIC CONFERENCE RE: DISCOVERY DISPUTE CONCERNING THIRD PARTY SUBPOENA FOR DEPOSITION OF PLAINTIFF'S COUNSEL

Case called. Counsel made their appearances. The Court held a telephonic conference with counsel for Plaintiff and Defendants regarding a discovery dispute concerning third party witness P. Kevin Morris's ("Morris's") failure to appear for a deposition on February 26, 2025, pursuant to Defendant's Rule 45 Subpoena.

Morris maintains that he served objections to the subpoena and, because he has been counsel to Plaintiff since 2019, all of his testimony would be subject to attorney client privilege, which only Plaintiff, and not Morris, can waive. Defendant insists that Plaintiff violated Rule 37 because the appropriate procedure would have been to file a Motion to Quash the subpoena, which Mr. Morris did not do.

After further discussion, the Court noted that the dispute raises an issue that warrants briefing and a hearing, but the current discovery cut-off set by the presiding district judge, the Honorable Hernan D. Vera, is April 1, 2025, which is the date by which all discovery must be completed and any discovery motions resolved. Thus, there is not sufficient time to resolve this dispute in a regularly noticed motion unless and until the fact discovery deadline is continued.

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However, Plaintiff indicated that he has provided Defendants with a proposal for a joint stipulation to dismiss the matter without prejudice. Defense counsel acknowledged receipt of the proposal but has not yet had time to consider it. Plaintiff's counsel stated that absent a stipulation, he intends to bring a motion to dismiss the action. Given this procedural posture, the Court declines to address the privilege dispute at this time as the issue appears likely to become moot.

: 18 mins
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