

Filed 10/7/04
Clerk, U. S. District Court
Western District of Texas
By [Signature] Deputy

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**DIRECTV, Inc.,
Plaintiff,**

V.

**RODOLFO GARZA,
Defendant.**

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No. SA-04-CA-42-OG

ORDER

On the 7 day of October, 2004 this Court considered Plaintiff's Motion to Compel Defendant's Deposition Testimony and for Sanctions ("Motion"), and after considering the motion and any response thereto, the Court is of the opinion that said Motion should be GRANTED in all respects.

It is therefore ORDERED that Defendant shall be appear for oral deposition at a date and time of Plaintiff's choosing, to take place no later than thirty (30) days from the entry of this Order.

It is further ORDERED that Defendant's counsel will conduct himself at the aforementioned oral deposition in compliance with Rule 30(d) of the Federal Rules of Civil Procedure; specifically:

- (a) Defendant's counsel is prohibited from instructing Defendant not to answer deposition questions other than to preserve a privilege, enforce a limitation directed by this Court or to present a motion under Rule 30(d)(4); and

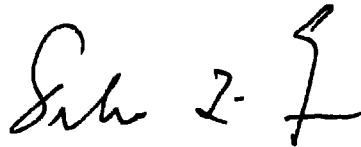
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(b) Defendant's counsel is prohibited from making any "speaking objections" that suggest Defendant's responses to deposition questions; and

(c) Defendant counsel shall limit his objections to a brief statement of the legal basis and a citation to any relevant rules of civil procedure or evidence.

It is further ORDERED that Defendant's counsel, Jack Wilhelm, shall be required to pay the amount of \$ 1475.00 to DIRECTV within 30 days as sanctions for his conduct violating the Federal Rules of Civil Procedure during Defendant's deposition on August 25, 2004.

SIGNED the 7 day of October, 2004.



UNITED STATES DISTRICT JUDGE