

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

IXL LEARNING, INC.,

Defendant.

Case No. [17-cv-02979-VC](#)

**ORDER RE DEPOSITION
TESTIMONY**

Both parties are barred from playing videotaped excerpts of deposition testimony during opening statements or at trial, except to the extent that it is necessary to impeach live testimony at trial. *See, e.g., Hynix Semiconductor Inc. v. Rambus Inc.*, No. C-05-00334 RMW, 2008 WL 190990 (N.D. Cal. Jan. 21, 2008); *Beem v. Providence Health & Services*, No. 10-CV-0037-TOR, 2012 WL 13018728 (E.D. Wash. Apr. 19, 2012).

Both parties may read brief excerpts from the parties' deposition testimony during opening statements so long as they are admissible at trial. Fed. R. Civ. P. 32(a)(3). The parties must exchange the relevant excerpts, if any, by Thursday, October 18. The parties must file any objections on the docket by Friday, October 19. The parties should be prepared to discuss the objections, if necessary, on Monday, October 22.

IT IS SO ORDERED.

Dated: October 17, 2018



VINCE CHHABRIA
United States District Judge