IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICIA CECILE McCAY, Plaintiff, v. COSTCO WHOLESALE CORPORATION, Defendant.	No. 2:24-CV-1848-TLN-DMC ORDER

Plaintiff, who is proceeding with retained counsel, brings this civil action. Pending before the Court is Plaintiff's motion to compel the deposition of Defendant's person most knowledgeable (PMK) witness(es). See ECF No. 53. The matter is set for hearing in Redding, California, on September 9, 2026, at 10:00 a.m. Defendant has filed an opposition. See ECF No. 54.

Based on defense counsel's representation in the opposition brief, it appears that the dispute has been resolved by the parties without the need for Court intervention. In the pending motion to compel, which was filed on July 22, 2026, Plaintiff seeks an order compelling Defendant to produce PMK witnesses to testify on various topics. See ECF No. 53. In the opposition brief, defense counsel states that a PMK witness appeared at a deposition on July 14, 2026, at which time the witness testified as to some, but not all, categories of inquiry requested by

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Plaintiff. See ECF No. 54, pg. 4. Thereafter, according to defense counsel, the parties reached an agreement on July 28, 2026, regarding a second PMK witness to appear at a deposition to testify as to the remaining topics. See id. Defense counsel states that the second deposition was confirmed on August 5, 2026. See id.

Given these representations, the dispute as to PMK witnesses appears to have been resolved informally. Plaintiff will be required to notify the Court whether Plaintiff intends with withdraw the pending motion to compel. If the motion is not withdrawn, Plaintiff will be provided an opportunity to file a reply brief in support of Plaintiff's motion and, upon completion of briefing, the matter will stand submitted on the papers without oral argument.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Within seven days of the date of this order, Plaintiff shall either file a notice of withdrawal of the pending motion to compel or a reply brief in support of the motion.

2. Upon the filing of a reply brief, Plaintiff's motion to compel will stand submitted on the papers without oral argument.

3. The hearing set for September 9, 2026, at 10:00 a.m., in Redding, California, is vacated.

Dated: August 14, 2026

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE