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## AEI et al. v. Xcentric (C.D. Cal. 10-cv-1360) Draft Rule 26f Report

## Lisa Borodkin < lborodkin@gmail.com>

Mon, May 3, 2010 at 10:54 AM

To: david@ripoffreport.com

Cc: Maria Crimi Speth <mcs@jaburgwilk.com>, Daniel Blackert <blackertesq@yahoo.com>, alexandra@asiaecon.org, kristi@asiaecon.org

David,

We have 14 days after the Rule 26(f) conference to do Rule 26(a) initial disclosures.

"(C) *Time for Initial Disclosures* — *In General.* A party must make the initial disclosures at or within 14 days after the parties' Rule 26(f) conference unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in this action and states the objection in the proposed discovery plan. In ruling on the objection, the court must determine what disclosures, if any, are to be made and must set the time for disclosure."

Fed. R. Civ. P. 26(c).

If you have another way of computing the date, let us know. Otherwise please give us some breathing room to follow the Federal Rules.

Thanks for agreeing to meet and confer again as a courtesy after Mr. Magedson's deposition. If the depositions or other early discovery identify obvious triable issues of material fact that would defeat summary judgment, we should meet and confer on those.

My request for evidence on the MSJ meant evidence that you intend to use on your MSJ. I do not think you can move for summary judgment based on an absence of evidence in the record to support plaintiffs' claims, without giving plaintiff a chance to do such discovery.

We have a filing deadline today, so Dan and I get back to you on anything else that needs addressing.

Lisa

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