

1 review.¹ All agreed that in the event the Court finds records that should be disclosed, it will issue an
2 order describing the records generally and identifying them by Bates number. It will give Plaintiffs a
3 deadline by which they will indicate whether they continue to object to the production of the records.
4 If they do, the Court will decide whether a further conference would be fruitful or simply authorize
5 defendant to proceed with a motion to compel. In the event the Court finds no records that should be
6 disclosed, the Court will issue an order broadly outlining its findings and indicating that the subpoenas
7 should be quashed.

8 The Court will review the records while keeping in mind Defendant's stated purpose for
9 obtaining them. Thus, the Court will look for records that provide a reasonable basis for alternative
10 sources for emotional distress that rise above the level of a garden-variety emotional distress. Thus,
11 the Court **ORDERS**:

12 1. As soon as possible, but no later than January 19, 2015, counsel **SHALL** submit a letter
13 to the deposition officer and the recipients of the subpoenas, requiring the records to be gathered and
14 produced as quickly as possible but no later than January 29, 2016. The letter may be joint or may be
15 provided by Plaintiff's counsel only. After the Court's review, it will proceed as described above;

16 2. Counsel **SHALL** meet and confer related to all outstanding discovery disputes and
17 **SHALL** make best efforts to resolve the issues as soon as possible. In the event the issues cannot be
18 resolved, counsel **SHALL** seek an informal conference with the Court before filing any motions to
19 compel.² When seeking the informal conference, they **SHALL** provide the Court a brief, joint
20 statement outlining the dispute. The Court will then determine whether informal discussions with the
21 Court will be required before it authorizes the party to file the motion.

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23 IT IS SO ORDERED.

24 Dated: January 15, 2016

/s/ Jennifer L. Thurston
25 UNITED STATES MAGISTRATE JUDGE

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¹ Plaintiff may choose to have a copy of the records produced to her counsel at the same time—at her expense.

28 ² As to Defendant's possible motion to amend the case schedule, no further conference with the Court is required before
filing the motion **if** the formal meet-and-confer efforts fail to resolve the dispute on this topic.