

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

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EDWARD HARRIS,

Plaintiff,

CIV-S-08-0098 GEB EFB

v.

BARBARA DILLMAN, et al,

Defendants.

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On January 7, 2009, defendants filed a discovery motion and set the matter for **hearing on February 11, 2009, at 10:00 a.m.**, in Courtroom No. 25. Notwithstanding the three days specified by E.D. Cal. L.R. 37-251, the joint statement shall be filed not later than *five* court days before the scheduled hearing. Accordingly, the **deadline for filing the joint statement shall be February 4, 2009, by 5:00 p.m.** In the event the hearing is rescheduled, the joint statement shall be due not later than five court days before the rescheduled hearing.

The parties are reminded of the necessity of meeting and conferring in good faith, and attempting to resolve their discovery dispute prior to preparation of their joint statement. E.D. Cal. L.R. 37-251(b), (c)(1). The joint statement on those matters that cannot be resolved informally may be organized by category, with specific discovery items attached, if appropriate, as exhibits. For each disputed category or individual item, include: (1) the specific disputed discovery category or item; (2) the response; (3) the moving party's position; and (4) the opposition. E.D. Cal. L.R. 37-251(c)(3). Do not file separate briefing. *Id.*

Privilege objections must comply with Fed. R. Civ. P. 26(b)(5). Except in extraordinary circumstances, the party claiming privilege may not submit a post-hearing privilege log. The failure properly to support a privilege objection with a privilege log may be deemed to waive it.

The moving party is responsible for filing the joint statement. The opposing party nevertheless must timely draft and submit its portion. Failure of either party to use best efforts to ensure timely filing will be cause for sanctions.

DATED: January 21, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE