

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

HORST ERNST WILHELM,

Plaintiff(s),

vs.

2:08CV00210-FCD/GGH

SAMUEL M. YOTT, AND HORST ANTON
WILHELM ,
Defendant(s).

Defendant filed a discovery motion on December 30, 2008 set for hearing on **February 5, 2009 @ 10:00** Notwithstanding the three days specified by E.D. Cal. L.R. 37-251 the joint statement ***shall be filed in no later than five court days before the scheduled hearing.*** Notwithstanding E.D. Cal. L.R. 5-133(f), if the joint statement is more than 25 pages, or the attachments are longer than 50 pages, the copy shall be hand delivered or sent by overnight mail to chambers on the day of filing. The filing deadline, accordingly, will be **January 29, 2009.**

The dispute may be organized by category, with specific discovery items attached, if appropriate, as an exhibit. 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 7, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
U.S. Magistrate Judge

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