

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

PATRIOT RAIL CORP.,
a Delaware Corporation ,

Plaintiff,

vs.

No. CIV S-09-0009-MCE-EFB

SIERRA RAILROAD COMPANY,
a California Corporation,

Defendant.

AND RELATED COUNTERCLAIMS


Plaintiff's motion to compel discovery remains scheduled for hearing before this court on August 5, 2009, at 10:00 a.m., in Courtroom No. 25. The parties are hereby informed that, notwithstanding the three days specified by E.D. Cal. L.R. ("Local Rule") 37-251, their joint statement re. discovery disagreement shall be filed not later than *five* court days before the scheduled hearing, or by July 29, 2009, at 12:00 p.m. (noon). In the event the hearing is rescheduled, the joint statement shall be due at the same time, not later than five court days before the rescheduled hearing.

The joint statement shall comply with content requirements of Local Rule 37-251 set forth therein. 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. For each disputed matter, the joint statement shall provide: (1) the specific disputed discovery category or item; (2) the response; (3) the moving party's position; and (4) the opposition. Do not file separate briefing.

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: July 27, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE