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7	IN THE UNITED STATES DISTRICT COURT
8	FOR THE EASTERN DISTRICT OF CALIFORNIA
9	FRANKLIN FUELING SYSTEMS, INC.,
10	Plaintiff, No. 2:09-cv-0580 FCD JFM
11	VS.
12	VEEDER-ROOT COMPANY,
13	
14	Defendant. <u>ORDER</u>
15	Defendant's motion to compel discovery came on for hearing on April 20, 2010.
16	Seth Hilton and Brian Nese appeared for plaintiff. Bryan Wilson appeared for defendant. Upon
17	review of the motion and the joint statement re discovery disagreement, upon hearing the
18	arguments of counsel and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:
19	Plaintiff has not met its burden in showing that the proposed search of John
20	Haines, Matthew Johnson, Don Kenney, Bill Nelson, and Scott Trumbull would be burdensome
21	or unreasonably costly. It has already conducted the search on five custodians and has agreed in
22	the joint statement to conduct the search on five additional custodians. Accordingly, defendant's
23	motion to compel is granted as to this matter.
24	However, defendant's motion is denied as to its request for an additional
25	deposition of a Rule 30(b)(6) witness. The court finds that defendant is able to obtain the
26	information it seeks from documents already within its possession.

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1	Accordingly, IT IS HEREBY ORDERED that:
2	1. Defendant's April 29, 2010 motion is partially granted;
3	2. Plaintiff shall conduct a search of documents within the possession of
4	custodians John Haines, Matthew Johnson, Don Kenney, Bill Nelson, and Scott Trumbull using
5	defendant's search method and produce responsive documents to defendant's requests for
6	production on or before June 25, 2010;
7	3. It appears to the court that the positions of both parties were substantially
8	justified and no award of expenses will be made.
9	DATED: May 24, 2010.
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11	UNTED STATÉS MAGISTRATE JJDGE
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