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

BEST BUY STORES, L.P., a Virginia limited partnership,

Plaintiff,

No. 2:10-cv-0389-WBS-KJN

VS.

MANTECA LIFESTYLE CENTER, LLC, a Delaware limited liability company,

Defendant.

ORDER

On August 4, 2011, defendant and counter-claimant Manteca Lifestyle Center, LLC ("defendant" or "Manteca") filed a Notice of Motion and Motion For Protective Order, Or, In The Alternative, To Quash The Subpoenas ("Motion for Protective Order"). (Mot for Prot. Order, Dkt. No. 55.) In its entirety, the filing consisted of one three-page Notice document setting the matter for hearing for August 25, 2011. (Id.) However, when the parties failed to file a joint statement regarding the dispute at least seven days before that hearing date, the hearing was dropped from the calendar. (Dkt. No. 59.) A review of the court's electronic docket confirms that no joint statement regarding defendant's Motion for Protective Order was ever filed.

This action proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(1) and 28 U.S.C. § 636(b)(1).

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The undersigned presided over several telephonic conferences between defendant and plaintiff and counter-defendant Best Buy Stores, L.P. ("plaintiff" or "Best Buy"), addressing the discovery dispute prompting defendant's motion as well as other discovery issues. (E.g., Dkt. Nos. 60, 61.) Following such a conference, the undersigned took defendant's Motion for Protective Order under submission. (Dkt. No. 61 at 2.) Thereafter, the undersigned presided over an additional telephonic conference between the parties, which addressed issues pertaining to defendant's Motion for Protective Order as well as other discovery issues. (Dkt. No. 65.) Thereafter, the parties were able to stipulate to certain protective orders and certain third-party discovery. (Dkt. Nos. 66, 69, 71.) The undersigned approved the parties' stipulations via signed orders. (Dkt. Nos. 68, 70, 72.)

Defendant has not formally withdrawn its Motion for Protective Order; however, the parties' discovery deadline has passed. (See Dkt. Nos. 56 (deadline of Oct. 31, 2011 for "all discovery")), 72 at 4-5 (deadline for certain third party discovery extended to various dates in November and December 2011).) Accordingly, because the discovery period is complete, and for purposes of clarity, the undersigned denies defendant's Motion for Protective Order (Dkt. No. 55).

For all the foregoing reasons, IT IS HEREBY ORDERED that:

Defendant's Notice of Motion and Motion For Protective Order, Or, In The Alternative, To Quash The Subpoenas (Dkt. No. 55) is denied.

IT IS SO ORDERED.

DATED: January 23, 2012

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UNITED STATES MAGISTRATE JUDGE