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

SMART MODULAR TECHNOLOGIES, INC.,

Plaintiff,

No. 2:12-cv-2319-MCE-EFB

vs.

NETLIST,

Defendant.

ORDER

On October 3, 2012, defendant filed a motion for leave to conduct expedited discovery, Dckt. No. 36, and the parties filed a stipulation for that motion to be heard on shortened time, Dckt. No. 37-1. Specifically, the parties seek to file their joint statement regarding the discovery dispute, pursuant to Local Rule 251, on Tuesday, October 9, 2012 and to have the matter heard the next morning, October 10, 2012 at 10:00 a.m. Dckt. No. 37-1 at 2. Although the parties dispute whether expedited discovery is warranted, defendant contends that “it needs to conduct discovery to be able to complete its opposition to [plaintiff’s] motion for preliminary injunction,” which is due on October 18, 2012 (in light of the November 1, 2012 hearing on the preliminary injunction motion). *Id.*

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1 Eastern District of California Local Rule 144(e) provides that “[s]tipulations for the
2 issuance of an order shortening time require the approval of the Judge or Magistrate Judge on
3 whose calendar the matter is to be heard before such stipulations are given effect.” Here, in light
4 of defendant’s October 18, 2012 deadline to file its opposition to plaintiff’s motion for a
5 preliminary injunction, the parties’ stipulation to shorten time will be approved.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The parties’ stipulation for an order shortening time, Dckt. No. 37, is approved.

8 2. Defendant’s motion for leave to conduct expedited discovery, Dckt. No. 36, will be
9 heard on Wednesday, October 10, 2012 at 2:30 p.m. in Courtroom No. 24.

10 3. The parties are reminded of the necessity of meeting and conferring in good faith, and
11 attempting to resolve their discovery dispute prior to the court’s hearing regarding the dispute.

12 Therefore, on or before 5:00 p.m. on Friday, October 5, 2012, the parties shall further meet and
13 confer regarding the motion for expedited discovery. Failure of any party to do so will be cause
14 for sanctions.

15 4. If the parties are able to resolve the dispute without court intervention, defendant’s
16 counsel shall withdraw the motion as soon as possible.

17 5. If the parties are unable to resolve the dispute through the meet and confer process,
18 the parties shall file a joint statement regarding the discovery dispute at or before 9:00 a.m. on
19 Tuesday, October 9, 2012. The joint statement shall indicate what efforts were made to meet and
20 confer regarding the discovery dispute.

21 SO ORDERED.

22 DATED: October 4, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE