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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COPART, INC.,
Plaintiff,
v.
SPARTA CONSULTING, INC.,
Defendant.

No. 2:14-cv-0046 KJM CKD

ORDER

Plaintiff's motion to compel (ECF No. 78) came on regularly for hearing April 27, 2016. Jason Takenouchi appeared for plaintiff. Ryan Erickson appeared for defendant. Upon review of the documents in support and opposition, upon hearing the arguments of counsel, and good cause appearing therefor, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. No later than May 2, 2016, defendant shall produce a privilege log for the documents withheld as described in the joint statement at ECF No. 103 at p. 15 (Joint Statement at 14:1-2).
2. On the present record, the court finds that defendant does not have possession, custody, or control of the KPIT e-mail server located in India that contains the e-mails of the four custodians in dispute on this motion. The motion to compel further responses to request for production of documents nos. 75-78 is therefore denied.

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1 3. Presently calendared for hearing on May 18, 2016 is plaintiff's motion for protective
2 order. The motion is untimely under the current scheduling order.¹ ECF. No. 69. The hearing on
3 plaintiff's motion for protective order (ECF No. 108) is vacated.

4 4. Prior to the filing of any further motion to compel or other discovery motion, the
5 parties shall engage in the informal procedures for the resolution of discovery disputes set forth
6 on the undersigned's court website.

7 Dated: April 28, 2016

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9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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26 _____
27 ¹ The court recognizes that the parties have submitted a stipulation and proposed order to modify
28 the current scheduling order. ECF No. 109. However, that stipulation is still under review by the
District Court and the discovery cut-off dates have not yet been extended. Moreover, even under
the dates proposed by the parties, the motion for protective order would be untimely.