

United States District Court  
For the Northern District of California

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

THE COUNTY OF SANTA CLARA, and  
THE COUNTY OF SANTA CRUZ,

Plaintiffs,

v.

ASTRA USA, INC., et. al.,

Defendants.

No. C 05-03740 WHA

**ORDER RE MERCK'S  
LETTER RE DISCOVERY**

The Court has received defendant Merck's letter regarding its failure to produce all emails required by the discovery order of March 19, 2010. Any request for relief from the March 19 discovery order must be made in the form of a properly-noticed motion accompanied by supporting sworn declarations. A letter request is insufficient. The Court is disappointed that Merck did not file its letter until *after* the deadline of noon on April 30, 2010. By **NOON ON MAY 6, 2010**, both sides should file written briefs of no more than seven pages addressing whether Merck's failure to comply with the March 19 deadline, to seek timely relief, or to properly preserve backup tapes should result in an adverse inference or other penalty.

**IT IS SO ORDERED.**

Dated: May 4, 2010.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE