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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NETFLIX, INC.,
Plaintiff(s),
v.
BLOCKBUSTER, INC.,
Defendant(s).

Case No. C-06-2361 WHA (JCS)

ORDER GRANTING IN PART AND DENYING IN PART AS MOOT PLAINTIFF’S MOTION TO COMPEL PRODUCTION OF DOCUMENTS FROM BLOCKBUSTER [Docket No. 157]

United States District Court
For the Northern District of California

On March 5, 2007, Plaintiff filed a Motion to Compel Production of Documents from Defendant [Docket No. 157] (the “Motion”).

On March 9, 2007, and March 13, 2007, the Court held telephonic hearings on the Motion, during which Defendant indicated that certain e-mails were deleted, beginning before this litigation commenced through February 2007; and that Defendant had begun efforts to recover these e-mails from various sources.

For the reasons stated on the record, and good cause shown,

IT IS HEREBY ORDERED THAT Defendant shall complete its efforts to recover copies of the deleted e-mails, and produce e-mails responsive to previous document demands by **April 6, 2007**. The production of the recovered e-mails shall occur on a rolling basis, and, to the extent possible, the e-mail production shall be prioritized so that the e-mails containing the names of the witnesses who will be deposed this month and in the month of April shall be produced first.

IT IS HEREBY FURTHER ORDERED THAT, except for the issues of whether all responsive e-mails have been produced, the Motion is DENIED in part as moot, and the Court reserves for a later decision the issue of whether Defendant has produced all responsive e-mails.

1 IT IS HEREBY FURTHER ORDERED THAT a telephonic conference is set for
2 **March 20, 2007, at 2:00 p.m.**, for a status report regarding Defendant's progress in producing e-
3 mails. The Court will initiate the phone contact.

4 IT IS SO ORDERED.

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6 Dated: March 15, 2007



7 JOSEPH C. SPERO
8 United States Magistrate Judge

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United States District Court
For the Northern District of California