

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRIS CHAVEZ,

No. C-06-6609 VRW (EMC)

Plaintiff,

v.

**ORDER RE LETTERS OF JUNE 28 AND
JULY 7, 2010**

BLUE SKY NATURAL BEVERAGE CO., *et al.*,

Defendants.

(Docket Nos. 122-23)

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Currently pending before the Court is a discovery dispute involving depositions and documents. The Court held a hearing on August 11, 2010. This order memorializes the Court's rulings made at the hearing and provides further guidance as necessary.

(1) Depositions. Plaintiff shall depose the remaining defense witnesses (whose depositions have been noticed) between August 30 and September 2, 2010. The depositions shall include the depositions of Mr. Wallace, Mr. Sacks, and witnesses designated for the remaining 30(b)(6) topics. The parties shall, in a joint letter to be filed no later than August 20, 2010, identify with specificity the witnesses to be deposed on those dates.

(2) Documents from Defendants. The parties shall meet and confer, either in person or by telephone, to determine whether they can reach an agreement as to how Defendants' database, which contains the underlying information regarding, *e.g.*, product sales, will be searched for information responsive to Plaintiff's document requests. Defendants can, in essence, either agree to give Plaintiff direct access to the database (subject to the protective order) or reach an agreement

1 with Plaintiff as to an appropriate search to be conducted by Defendants on Plaintiff's behalf under
2 agreed upon conditions. Lead trial counsel must participate in the meet and confer. In addition, a
3 technical expert on behalf of each party shall be available to assist in the meet and confer. Finally,
4 Defendants shall have a representative who is familiar with the contents of the database available to
5 assist in the meet and confer. The parties are to report back on the results of the meet and confer by
6 joint letter no later than August 20, 2010. The joint letter shall be no longer than five single-spaced
7 pages.

8 (3) Documents from VN Graphics, Inc. (third party). Defense counsel currently
9 represents VN Graphics, Inc. with respect to this litigation. Counsel has represented that there has
10 been difficulty in getting the client to cooperate in producing the documents requested by Plaintiff.
11 Counsel has also indicated that it will likely withdraw its representation of VN Graphics as a result.
12 In that event, Plaintiff will have to seek to enforce the subpoena with the appropriate court. Counsel
13 will confirm with the Court by August 20, 2010 that either all documents have been produced or
14 counsel has withdrawn from VN Graphics' representation.

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16 IT IS SO ORDERED.

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18 Dated: August 16, 2010

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21 EDWARD M. CHEN
22 United States Magistrate Judge
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