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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION
19

20 ORACLE USA, INC., *et al.*,
21 Plaintiffs,
22 v.
23 SAP AG, *et al.*,
24 Defendants.
25

No. 07-CV-01658 PJH (EDL)

**[PROPOSED] ORDER DENYING
DEFENDANTS' MOTION TO
COMPEL FINANCIAL
INFORMATION**

Date: August 18, 2009
Time: 2:00 pm
Place: Courtroom E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

1 This Motion to Compel Financial Information filed by Defendants SAP AG, SAP
2 America, Inc. and TomorrowNow, Inc. (collectively “Defendants”) came on regularly for
3 hearing before this Court. All parties received notice and an opportunity to be heard. After
4 considering the pleadings and memoranda submitted by the parties, and all supporting papers,
5 and having heard the arguments of counsel, the Court issues the following Order:

6 1. The Court finds that three of the requests in Defendants’ Motion to
7 Compel – product profitability reports, plaintiff-specific profit and loss statements, and a
8 response to Defendants’ Targeted Search Request No. 3 – are moot and DENIES Defendants’
9 motion on that ground.

10 2. Defendants’ motion to compel production of Oracle’s entire General
11 Ledger data is DENIED as unduly burdensome and overbroad pursuant to Federal Rule of Civil
12 Procedure 26(b)(C)(iii) and for failure to meet and confer in accordance with N.D. Cal. Civil
13 Local Rule 37-1(a) and this Court’s Standing Order.

14 3. Defendants’ motion to compel further testimony in response to
15 Defendants’ Amended Second Notice of Deposition of Plaintiff Oracle International Corporation
16 Pursuant to Federal Rule of Civil Procedure 30(b)(6) (“Amended Second Notice”) is DENIED.
17 The Court further orders that, absent agreement of the parties or an Order of the Court,
18 Defendants may not examine any witness testifying as a 30(b)(6) designee regarding the topics
19 and subtopics of either the First Notice of Deposition of Plaintiff Oracle International
20 Corporation Pursuant to Federal Rule of Civil Procedure 30(b)(6) or the Amended Second
21 Notice. Plaintiffs may instruct their 30(b)(6) designees not to answer pursuant to this Order.

22
23 IT IS SO ORDERED.

24
25 DATED: _____, 2009

Hon. Elizabeth D. Laporte
United States Magistrate Judge