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16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 OAKLAND 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**

Date: January 26, 2010
 Time: 2 p.m.
 Place: Courtroom E, 15th Floor
 Judge: Hon. Elizabeth D. Laporte

1 This Motion to Compel was filed by Defendants SAP AG, SAP America, Inc. and
2 TomorrowNow, Inc. (collectively “Defendants”) and opposed by plaintiffs Oracle USA, Inc.,
3 Oracle International Corporation, Oracle EMEA Limited, and Siebel Systems, Inc. (collectively,
4 “Plaintiffs” or “Oracle”). After considering the pleadings and memoranda submitted by the
5 parties, and all supporting papers, and having heard the arguments of counsel, IT IS HEREBY
6 ORDERED that all of the requests for relief identified in Defendants’ Motion to Compel are
7 DENIED as follows:

8 First, Defendants request an order compelling Oracle to produce certain discovery
9 and related information pertaining to a category of information Defendants describe as
10 “mapping.” This request is DENIED. Defendants violated the Court’s requirement that the
11 parties’ final motion to compel should include only three discrete topics. This first request is
12 overbroad, combining multiple old discovery requests on tangentially related issues already the
13 subject of past motions. Further, the relief requested includes protected work product that should
14 remain protected for multiple reasons, including because Defendants could have, and appear to
15 actually have, accessed the information at issue on their own. In addition, complying with
16 Defendants’ requested relief on this topic would create an undue burden on Oracle and the
17 request is also denied on this basis.

18 Second, Defendants request an order compelling production of information
19 responsive to a third party subpoena to Oracle’s counsel Folger Levin & Kahn LLP seeking
20 documents from the *PeopleSoft v. Oracle* state court litigation. This request is also DENIED.
21 Defendants’ request is untimely and seeks irrelevant material.

22 Third, Defendants request an order compelling Oracle to “update the productions
23 of six key custodians pursuant to the parties’ Expanded Discovery Timeline Agreement.” This
24 third request is also DENIED. Defendants abandoned this information by failing to properly
25 follow-up during discovery and made statements to Oracle and the Court that directly contradict
26 their position. Defendants’ delay in seeking this information has also increased the undue
27 burden to collect and produce the information, and the request is separately denied on that basis.

1 IT IS SO ORDERED.

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3 DATED: _____, 2010

Hon. Elizabeth D. Laporte
United States Magistrate Judge

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