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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|-----------------------------------|---|---------------------------|
| VETERANS FOR COMMON SENSE and |) | No. C-07-3758 SC |
| VETERANS UNITED FOR TRUTH, INC., |) | |
| |) | |
| Plaintiffs, |) | ORDER ON PRELIMINARY |
| |) | <u>INJUNCTION HEARING</u> |
| v. |) | |
| |) | |
| JAMES B. PEAKE, Secretary of |) | |
| Veterans Affairs, <u>et al.</u> , |) | |
| |) | |
| Defendants. |) | |
| |) | |
| _____ |) | |

I. DISCOVERY

Plaintiffs have filed numerous requests for production of documents from Defendants. Defendants, in turn, have submitted responses and objections. Plaintiffs argue that they require certain of these documents in order to fully present their Motion for Preliminary Injunction at the hearing scheduled for Monday, March 3. To the extent possible, Defendants are hereby ORDERED to produce the documents requested in Plaintiffs' Designation of Witnesses and List of Required Documents for Preliminary Injunction Hearing. See Docket No. 137 at 4-6.

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Regarding the other four witnesses, none of whom is a named party, Plaintiffs have not attempted to subpoena any of them. The Court therefore declines to require these witnesses to appear at the hearing.

The parties also appear unable to agree on the scheduling of witness testimony during the hearing. In case there is any confusion, the Court notes that Plaintiffs will be expected to present their witnesses first. Once Plaintiffs have presented their case, the Court will determine whether any rebuttal testimony by Defendants' witnesses is necessary. Both parties are expected to have their witnesses on hand and prepared to testify.

IT IS SO ORDERED.

Dated: February 25, 2008

UNITED STATES DISTRICT JUDGE