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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL B JOHNSON III,

Case No. C07-05756 SI (JCS)

Plaintiff(s),

v.

**ORDER CLARIFYING JANUARY 26,
2009 ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
COMPEL AND FOR SANCTIONS
[Docket No. 247]**

CHEVRON CORPORATION, ET AL.,

Defendant(s).

By Order dated January 26, 2009, the Court ordered defendants to answer certain contention interrogatories, and produce documents, that support their affirmative defenses. Subsequently, the Court permitted plaintiff to file a Second Amended Complaint. Defendants now assert by letter filed February 9, 2009 that their answers to the newly filed complaint will not contain affirmative defenses identical to those asserted in response to the prior complaint. They also seek permission to identify the documents that support their affirmative defenses by referring generally to the 16,000 pages produced.

Defendants shall respond to the contention interrogatories and document requests as ordered, but only with respect to affirmative defenses that are asserted in answers to the Second Amended Complaint (including any new or modified affirmative defenses). These responses shall be served on or before February 28, 2009. As to the manner of identifying supporting documents, Rule 34 productions may ordinarily be made either by separating the documents by the production demand to which they are responsive, or by producing documents as they are kept in the ordinary course of business. Either through such an identification, or through a contention interrogatory, Plaintiff would be able to require the Defendants to identify the specific documents that defendants contend support their affirmative defenses. Again, while Plaintiff has abused the discovery process in other

1 respects, he is pro se, and the Court interprets his contention interrogatories and accompanying
2 document requests as seeking this information. Defendants are therefore ordered to identify
3 specifically the documents that they contend support each affirmative defense.

4 IT IS SO ORDERED.

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6 Dated: February 10, 2009

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9 JOSEPH C. SPERO
10 United States Magistrate Judge
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