

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE:

No. C 08-01510 WHA

CHARLES SCHWAB CORPORATION
SECURITIES LITIGATION.

This Document Relates
To All Cases.

**ORDER FOLLOWING
NOVEMBER 30 DISCOVERY
DISPUTE HEARING**

On or before **NOON ON FRIDAY, DECEMBER 4, 2009**, defendants shall identify with specificity any documents which were responsive to plaintiffs' March 4 discovery requests but which were produced to plaintiffs for the first time in response to plaintiffs' September 17 request for defendants' production to the SEC. Defense counsel shall submit an accompanying declaration under oath that they have searched all locations where responsive documents were reasonably likely to be found and have produced all responsive documents of which they have specific knowledge. To the extent defendants have withheld any responsive documents, they shall identify with specificity any objections upon which they continue to rely. On or before **NOON ON FRIDAY, DECEMBER 11, 2009**, plaintiffs shall file a motion regarding whether they have been prejudiced by the late disclosure of documents and whether a continuance in this action is necessary.

As to any Rule 26 witnesses that defendants have identified either in their initial or supplemental disclosures, defendants shall produce to plaintiffs any transcripts in their possession from SEC and arbitration proceedings regarding the YieldPlus fund. To the extent that defendants do not have arbitration proceeding transcripts in their possession, they must request

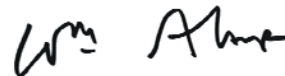
1 them and provide them to plaintiffs at plaintiffs' expense. To the extent that defendants do not
2 have SEC proceeding transcripts in their possession, they must request them from the SEC
3 although they are not required to take further action if the SEC refuses to produce them.
4 Defendants also must produce any expert reports from SEC and arbitration proceedings which
5 were authored by any expert whom defendants will use in the present action. Defendants have a
6 continuing duty of disclosure through the date of trial regarding such transcripts and expert
7 reports.

8 On or before **NOON ON FRIDAY, DECEMBER 4, 2009**, plaintiffs shall file a submission
9 identifying their "top 50" problem entries from defendants' privilege log. On or before **NOON ON**
10 **FRIDAY, DECEMBER 11, 2009**, defendants shall move for a protective order regarding these
11 privileged documents. Plaintiffs' response is due on or before **NOON ON FRIDAY, DECEMBER 18,**
12 **2009**. A hearing shall be held on **DECEMBER 23, 2009**, at **1:00 P.M.**

13 The deposition of Mr. Charles Schwab in this action shall be held during the week of
14 **JANUARY 18, 2010**.

15 **IT IS SO ORDERED.**

16
17 Dated: November 30, 2009.



18 WILLIAM ALSUP
19 UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25
26
27
28