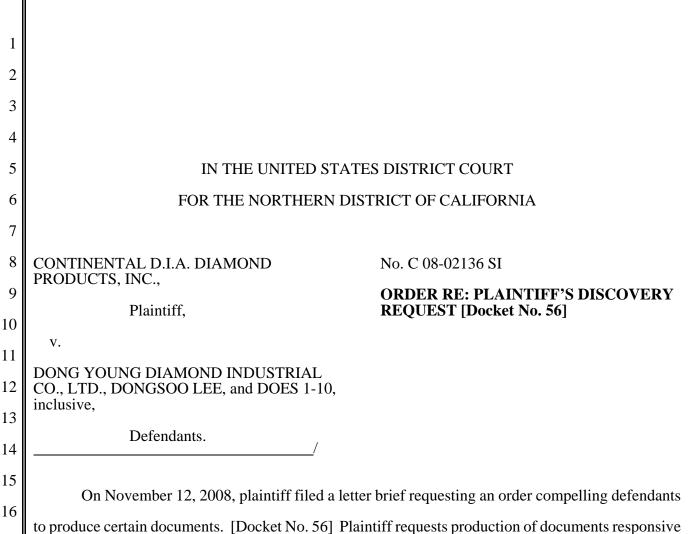
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to produce certain documents. [Docket No. 56] Plaintiff requests production of documents responsive
to its requests numbered 1-28. See Pl. Letter Brief, exs. 1, 2. The parties are currently negotiating the
terms of a protective order. Plaintiff states that if defendants believe responsive documents contain
confidential and proprietary information, plaintiff is amenable to those documents being temporarily
designated as "Highly Confidential – Outside Attorneys' Eyes Only," pending the entry of a protective
order.

Defendants respond by letter brief that they are willing to produce documents responsive to requests 1-8 and 10-25 prior to the entry of a protective order on an "Attorneys' Eyes Only" basis. [Docket No. 63] Accordingly, defendants are ordered to produce these documents subject to the temporary confidentiality designation.

Defendants do not address plaintiff's remaining requests in their letter brief. In their initial response to plaintiff's request that they would produce documents 9 and 26 "at a time and place

United States District Court For the Northern District of California

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mutually agreeable to counsel." *See* Pl. Letter Brief, ex. 3. Defendants are ordered to produce these
 documents by December 1, 2008.

In their initial response to plaintiff's requests 27 and 28, defendants stated that these requests were "identical" to request 26. The requests are not identical: 26 requests documents evidencing "terms" of agreements, while 27 and 28 refer to the negotiation of and modifications to agreements, respectively. Accordingly, defendants are ordered to produce documents responsive to requests 27 and 28 or to explain more clearly why the requests are duplicative.

Finally, the parties' request for an extension of the December 5, 2008 mediation deadline to January 16, 2009 is GRANTED.

IT IS SO ORDERED.

Dated: 11/25/08

MARIE Meston

SUSAN ILLSTON United States District Judge