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

CONTINENTAL D.I.A. DIAMOND  
PRODUCTS, INC.,

Plaintiff,

v.

DONG YOUNG DIAMOND INDUSTRIAL  
CO., LTD., DONGSOO LEE, and DOES 1-10,  
inclusive,

Defendants.

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No. C 08-02136 SI

**ORDER RE: PLAINTIFF'S DISCOVERY  
REQUEST [Docket No. 56]**

On November 12, 2008, plaintiff filed a letter brief requesting an order compelling defendants 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


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

3 In their initial response to plaintiff’s requests 27 and 28, defendants stated that these requests  
4 were “identical” to request 26. The requests are not identical: 26 requests documents evidencing  
5 “terms” of agreements, while 27 and 28 refer to the negotiation of and modifications to agreements,  
6 respectively. Accordingly, defendants are ordered to produce documents responsive to requests 27 and  
7 28 or to explain more clearly why the requests are duplicative.

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

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11 **IT IS SO ORDERED.**

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13 Dated: 11/25/08

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16 SUSAN ILLSTON  
17 United States District Judge  
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