IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KARL STORZ ENDOSCOPY-AMERICA, INC,

Plaintiff,

v

STRYKER CORPORATION AND STRYKER COMMUNICATIONS, INC,

Defendants.
_____/

No C 09-0355 VRW

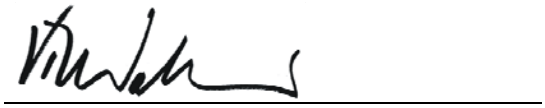
ORDER

On March 1, 2010, the court denied without prejudice defendants' motion to compel production of documents pending plaintiff's submission of a supplemental affidavit supporting plaintiff's attorney-client privilege claim. Doc #198. Plaintiff submitted a supplemental affidavit on March 11, 2010. Doc #199. Defendants thereafter renewed the motion to compel by letter brief. Doc #200.

Plaintiff's supplemental affidavit explains for each document the basis for plaintiff's claim of privilege. See Doc

#199 at 12-29; Doc #199-12. The submission suffices to meet plaintiff's burden to show the documents sought by defendants, document nos 1-3, 5-8, 10-18 and 20-25, fall within the scope of attorney-client privilege as defined in In re Spalding Sports Worldwide, 203 F3d 800, 803 (Fed Cir 2000); see also Clarke v American Commerce National Bank, 974 F2d 127, 129 (9th Cir 1992). Accordingly, defendants' renewed motion to compel, Doc #200, is DENIED.

IT IS SO ORDERED.



VAUGHN R WALKER
United States District Chief Judge