



1 Defendant filed objections with the district court (Hon. Charles R. Breyer) and the  
2 objections were overruled. (Order e-filed April 22, 2010 at Docket # 59) In his order, Judge  
3 Breyer declined to set deadlines and referred the parties to this Court to set deadlines for  
4 various categories of documents. Neither party approached this Court at that time. In its  
5 March 31 order, this Court had stated that the documents were to be produced “forthwith.”

6 Plaintiffs inform the Court that it has been almost two months since the Court’s order  
7 and still Defendant has not complied. Defendant submitted a letter brief at Docket # 63 and  
8 the Declaration of Susan A. Luna, e-filed at Docket # 64, presenting a number of excuses  
9 for its failure to comply, and requesting at least two weeks, and preferably one month  
10 beyond the parties’ agreed time to produce documents:

11 “In any case, MEGA has been diligently searching for and gathering the documents  
12 ordered by this Court. For the reasons set forth herein and the declarations that will  
13 be filed in support of this Statement, a May 21, 2010, deadline is unrealistic. MEGA  
14 use its best efforts to complete the production within two weeks, nonetheless, it  
15 requests the Court grant it one month for completion in the event of unforeseen  
16 difficulties.”

17 (Letter Brief, Docket # 63, at p. 1)

18 The American Heritage Dictionary defines “forthwith” as: “At once; immediately;  
19 without delay.” Defendant has had multiple opportunities to object, and to complain that it  
20 could not produce the documents for various reasons, first when it responded to Plaintiffs’  
21 document request, then again when it opposed Plaintiffs’ motion to compel, and finally  
22 when it filed its objections with Judge Breyer. All objections have been rejected by this  
23 Court and by Judge Breyer. Still Defendant fails to comply.

24 Either this Court or the trial court may assess sanctions against Defendant for  
25 disobeying a court order to provide discovery, up to and including default judgment, as  
26 provided by Rule 37(b)(2)(A). The trial in this case is presently set to begin on June 28,  
27 2010, (Pretrial Order entered January 29, 2010 at Docket # 30), and such egregious delay  
28 so close to trial is highly prejudicial to Plaintiffs.

This Court hereby extends the time for Defendant’s compliance with its order of  
March 31, 2010 to June 4, 2010. There will be no further extensions.

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IT IS SO ORDERED.

DATED: May 17, 2010



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JAMES LARSON  
United States Magistrate Judge