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

CAPITAL TRUST, INC.,

Plaintiff,

v.

WALTER R. LEMBI, et al.,

Defendants.

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No. C 09-02492 JSW

**ORDER REGARDING  
CORRESPONDENCE  
REGARDING DISCOVERY  
DISPUTE**

On November 18, 2009, Plaintiff filed a request for an immediate telephonic discovery conference to resolve an “urgent” discovery matter. This Court was unavailable at the time Plaintiff filed the letter, and Plaintiff did not demonstrate any urgency that would have required the attention of the General Duty Judge. Moreover, Plaintiff’s letter is not in compliance with this Court’s Standing Order No. 7, which provides:

All other requests for discovery relief must be summarized jointly by the parties in a *joint* letter brief no longer than four pages. The joint letter brief must attest that, prior to filing the request for relief, counsel met and conferred in person and must concisely summarize those remaining issues that counsel were unable to resolve. The joint letter brief may cite to limited and specific legal authority only for resolution of dispositive issues. The joint letter brief may not be accompanied by declarations; however any specific excerpt of disputed discovery material may be attached. The Court will then advise the parties if additional briefing or a telephonic conference will be necessary

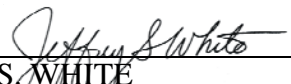
Because the Plaintiff’s request is not in compliance with this Court’s Standing Order, the Court strike’s the request from the record. However, in the event the parties have been unable to resolve this dispute, and if Plaintiff believes action from the Court is necessary, the parties shall present the matter to the Court by way of a Joint Letter Brief, in accordance with Standing

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Order No. 7. If the Court believes a telephonic conference is necessary, it shall so notify the parties.

**IT IS SO ORDERED.**

Dated: November 30, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE