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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DUANE WATERS, et al.	)	
	)	No. C 09-3983 BZ
Plaintiff(s),	)	
	)	<b>FIRST CASE MANAGEMENT ORDER</b>
v.	)	
	)	
AT&T SERVICES, INC., (formerly)	)	
SBC Services, Inc., et al.,	)	
	)	
Defendant(s).	)	
_____	)	

Following the initial case management conference at which both sides were represented by counsel, **IT IS ORDERED** as follows:

1. A further case management conference is scheduled for **Monday, May 24, 2010 at 4:00 p.m.** in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

2. The parties have agreed to private mediation. The parties are **ORDERED** to agree on a mediator by **January 15, 2010** and to complete their mediation in advance of the next case

1 management conference.

2 3. The parties are reminded that a failure to  
3 voluntarily disclose information pursuant to Federal Rule of  
4 Civil Procedure 26(a) or to supplement disclosures or  
5 discovery responses pursuant to Rule 26(e) may result in  
6 exclusionary sanctions. Thirty days prior to the close of  
7 non-expert discovery, lead counsel for each party shall serve  
8 and file a certification that all supplementation has been  
9 completed.

10 In the event a discovery dispute arises, **lead counsel** for  
11 each party shall meet in person or, if counsel are outside the  
12 Bay Area, by telephone and make a good faith effort to resolve  
13 their dispute. Exchanging letters or telephone messages about  
14 the dispute is insufficient. The Court does not read  
15 subsequent positioning letters; parties shall instead make a  
16 contemporaneous record of their meeting using a tape recorder  
17 or a court reporter.

18 In the event they cannot resolve their dispute, the  
19 parties must participate in a telephone conference with the  
20 Court **before** filing any discovery motions or other papers.  
21 The party seeking discovery shall request a conference in a  
22 letter filed electronically not exceeding two pages (with no  
23 attachments) which briefly explains the nature of the action  
24 and the issues in dispute. Other parties shall reply in  
25 similar fashion within two days of receiving the letter

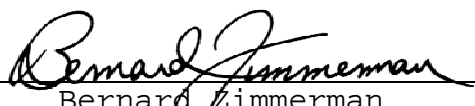
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1 requesting the conference. The Court will contact the parties  
2 to schedule the conference.

3 Dated: December 15, 2009

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6 Bernard Zimmerman  
7 United States Magistrate Judge

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