

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JOHNNY WANG, an individual, on his own
behalf and on behalf of all others similarly
situated,

Plaintiff,

v.

ASSET ACCEPTANCE, LLC, *et al.*,

Defendants.

No. C 09-4797 SI

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL WITHOUT
PREJUDICE TO RENEWAL AFTER
PLEADINGS ARE FINALIZED**

Plaintiff has filed a motion to compel defendant Asset Acceptance LLC to provide further responses to various discovery requests.¹ Asset requests that the Court either deny the motion or continue it until after the pleadings are finalized and the parties know what claims are at issue in the case.

The Court agrees with defendant that plaintiff's motion is premature. Prior to reassignment to the undersigned, Judge Conti issued an order dismissing most of plaintiff's claims. On April 29, 2010, plaintiff filed an amended complaint adding new claims and a new party, Trans Union LLC. Asset has moved to dismiss the amended complaint, and a hearing is scheduled on that motion on July 9, 2010. According to Asset, the pending discovery requests relate to claims that have already been dismissed by the Court, and/or claims that are the subject of Asset's most recent motion to dismiss. Under these circumstances, the Court finds that it is more efficient to finalize the pleadings before resolving the parties' discovery disputes.

¹ The parties' letter briefs are found at Docket Nos. 52 and 53.

1 Accordingly, the Court DENIES plaintiff's motion to compel without prejudice to renewal after
2 the Court rules on the pending motion to dismiss the amended complaint. If any claims survive the
3 pending motion to dismiss, the parties are directed to engage in a further meet and confer regarding any
4 discovery disputes prior to bringing the dispute to the Court for resolution.

5
6 **IT IS SO ORDERED.**

7
8 Dated: June 1, 2010



SUSAN ILLSTON
United States District Judge