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

DOLLAR TREE STORES, INC,

No. C 10-325 SI

Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST FOR SANCTIONS**

v.

TOYAMA PARTNERS LLC, *et al.*,

Defendants.

Plaintiff seeks sanctions against Toyama for “its efforts to obstruct discovery and the prosecution of Dollar Tree’s claims.” (Docket No. 113). The dispute arises over the parties’ contentious meet and confer efforts following this Court’s December 1, 2010 Order re: Discovery, which directed the parties to conduct an in-person meet and confer. A dispute arose as to whether all counsel were required to participate in the meet and confer in person, or whether some counsel could participate via videoconference and telephone. In an order filed December 8, 2010, the Court held that plaintiff’s non-local counsel could participate via videoconference and telephone provided that local counsel participated in person. The parties proceeded with the meet and confer on December 9, 2010. According to Toyama, counsel resolved the vast majority of discovery issues at the December 9, 2010 meeting, and the parties scheduled a second meet and confer to address the remaining disputes. The parties were unable to resolve plaintiff’s request for sanctions.

Toyama opposes the sanctions request on the ground that its interpretation of the December 1, 2010 order as requiring all counsel to physically attend the meeting was reasonable. In addition, Toyama states that at the time that the meet and confer actually took place, its counsel was prepared to discuss discovery matters. Plaintiff responds that Toyama’s objection to participating in the meet and

1 confer was not substantially justified after plaintiff notified Toyama that its local counsel would attend
2 the discovery meeting in person.

3 The Court finds that while Toyama's counsel could have been more cooperative in the
4 scheduling of the meet and confer, sanctions are not warranted, and accordingly DENIES plaintiff's
5 request for sanctions. The Court strongly advises all counsel to cooperate with each other and to make
6 a sincere effort to resolve disputes without the Court's intervention.

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8 **IT IS SO ORDERED.**

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10 Dated: December 22, 2010



SUSAN ILLSTON
United States District Judge

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