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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RANDALL G. HUCK,

Plaintiff,

v.

KONE, INC.,

Defendant.

No. C 10-1845 RS (EDL)

**ORDER DENYING DEFENDANT'S
MOTION FOR SANCTIONS**

On September 16, 2011, Defendant filed a motion for sanctions, arguing that Plaintiff's motion to compel (docket 96) and motion to quash (docket 99) lacked merit, and that therefore, Plaintiff should be sanctioned. The Court heard Plaintiff's motion to compel and motion to quash on October 11, 2011. On October 12, 2011, the Court issued an order denying the motion to quash as moot, and granting in part and denying in part the motion to compel. Because Defendant's motion for sanctions is appropriate for decision without oral argument, the October 25, 2011 hearing on Defendant's motion is vacated.

Although Plaintiff's motion to quash was moot, and Plaintiff was incorrect on some legal points in his motion to compel, he prevailed on other issues in his motion and the Court ordered Defendant to provide several declarations regarding its search for responsive documents. The Court does not find that Plaintiff's motions were frivolous or that Plaintiff's decision to bring the motions is sanctionable. Thus, Defendant's motion for sanctions is denied.

IT IS SO ORDERED.

Dated: October 12, 2011



 ELIZABETH D. LAPORTE
 United States Magistrate Judge