

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FLAGSTAR BANK,

No. C-10-03190 CRB (DMR)

Plaintiff,

**NOTICE OF REFERENCE AND ORDER  
RE DISCOVERY PROCEDURES**

v.

LOAN EXPERTS, et al.,

Defendants.

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Donna M. Ryu for resolution of Defendant Stewart Title of California, Inc.'s Motion to Dismiss Cross-Claim of the Loan Experts Corporation and Hormoz Nazari ("Motion to Dismiss," Docket No. 149), as well as all further discovery. The Motion to Dismiss was noticed for hearing on April 13, 2012.

The court **VACATES** the current hearing date on Defendant's Motion to Dismiss and **DENIES** the Motion to Dismiss without prejudice. Any joint letter regarding the instant discovery dispute (*see* section below entitled "Resolution of Discovery Disputes") shall be filed no later than **March 16, 2012**. The court emphasizes that the Federal Rules of Civil Procedure, as well as the Northern District of California's Local Rules, require the parties to meet and confer to try to resolve their disagreements.

1 Parties shall comply with the procedures in this order, the Federal Rules of Civil Procedure,  
2 and the Northern District of California’s Local Rules, General Orders, and General Standing Orders.  
3 Local rules, general orders, general standing orders, and a summary of the general orders’ electronic  
4 filing requirements (including the procedures for emailing proposed orders to chambers) are  
5 available at <http://www.cand.uscourts.gov>. The parties’ failure to comply with any of the rules or  
6 orders may be a ground for sanctions.

7 **RESOLUTION OF DISCOVERY DISPUTES**

8 In order to respond to discovery disputes in a flexible, cost-effective and efficient manner,  
9 the court uses the following procedure. The parties shall not file formal discovery motions. Instead,  
10 as required by the federal and local rules, the parties shall first meet and confer to try to resolve their  
11 disagreements. The meet and confer session must be *in person or by telephone*, and may not be  
12 conducted by letter, e-mail, or fax. If disagreements remain, the parties shall file a joint letter no  
13 later than five (5) business days after the meet and confer session. **Lead trial counsel for both**  
14 **parties must sign the letter**, which shall include an attestation that the parties met and conferred in  
15 person or by telephone regarding all issues prior to filing the letter. Going issue-by-issue, the joint  
16 letter shall describe each unresolved issue, summarize each party’s position with appropriate legal  
17 authority; and provide each party’s final proposed compromise before moving to the next issue. The  
18 joint letter shall not exceed ten (10) pages without leave of court. In the rare instance that a joint  
19 letter is not possible, each side may submit a letter not to exceed four (4) pages, which shall include  
20 an explanation of why a joint letter was not possible. When appropriate, the parties may submit one  
21 exhibit to the letter that sets forth each discovery request at issue in full, followed immediately by  
22 the objections and/or responses thereto. No other information shall be included in any such exhibit.  
23 No other exhibits shall be submitted without prior approval by the court. The court will review the  
24 submission(s) and determine whether formal briefing or proceedings are necessary.

25 In emergencies during discovery events (such as depositions), any party may, after  
26 exhausting good faith attempts to resolve disputed issues, seek judicial intervention pursuant to Civil  
27 L.R. 37-1(b) by contacting the court through the courtroom deputy. If the court is unavailable, the  
28 discovery event shall proceed with objections noted for the record.



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- a. The title and description of the document, including number of pages or Bates-number range;
- b. The subject matter addressed in the document;
- c. The identity and position of its author(s);
- d. The identity and position of all addressees and recipients;
- e. The date the document was prepared and, if different, the date(s) on which it was sent to or shared with persons other than its author(s); and
- f. The specific basis for the claim that the document is privileged or protected.

Failure to furnish this information promptly may be deemed a waiver of the privilege or protection.

IT IS SO ORDERED.

Dated: March 9, 2012

