

1 If this case does not settle, the parties shall engage in a formal meet and confer
2 process regarding necessary further discovery. The parties are forewarned that this Court
3 believes that reasonable parties acting in good faith should be able to resolve nearly all, if not
4 all, discovery disputes through meeting and conferring. As another judge in this district long
5 ago explained:

6 The discovery system depends absolutely on good faith and
7 common sense from counsel. The courts, sorely pressed by
8 demands to try cases promptly and to rule thoughtfully on
9 potentially case dispositive motions, simply do not have the
10 resources to police closely the operation of the discovery process.
11 The whole system of Civil adjudication would be ground to a
12 virtual halt if the courts were forced to intervene in even a modest
percentage of discovery transactions. That fact should impose on
counsel an acute sense of responsibility about how they handle
discovery matters. They should strive to be cooperative, practical
and sensible, and should turn to the courts (or take positions that
force others to turn to the courts) only in extraordinary situations
that implicate truly significant interests.

13 *In re Convergent Tech. Sec. Litig.*, 108 F.R.D. 328, 331 (N.D. Cal. 1985). If this Court finds
14 that the parties appear incapable of resolving their discovery disputes in an expeditious and
15 orderly manner without outside intervention, the Court may appoint a discovery master in
16 this case who shall, in his or discretion, allocate his or her fees among the parties.

17
18 **IT IS SO ORDERED.**

19
20 Dated: 02/22/11



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT