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United States District Court  
For the Northern District of California

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

CHARLES R. ESTES d.b.a. OEM-Tech,

No. C10-4368 RS (JSC)

Plaintiff,

**ORDER RE: DECEMBER 23, 2011  
DISCOVERY DISPUTES (Dkt. Nos. 89,  
91)**

v.

VIDEO GAMING TECHNOLOGIES, INC.,

Defendant.

On January 9, 2012, the Court held a telephonic hearing on the discovery dispute set forth in the parties' letters of December 23, 2011. (Dkt. Nos. 89, 91.) As stated at the hearing, the Court rules as follows:

1. By its written disclosure of December 16, 2011, Defendant complied with the Court's December 12, 2011 Order (Dkt. No. 85) that Defendant provide Plaintiff with the date of third-party certifications. See Dkt No. 89-1. On or before January 17, 2012, Defendant shall identify for Plaintiff the "regulatory requirements" Defendant refers to in its December 16, 2011 disclosure.

2. On or before January 17, 2012, Defendant shall provide the Court with an unredacted version of document VGT 002764 for the Court's *in camera* review.

3. Plaintiff's request for reconsideration of the Court's ruling with regard to correspondence with third parties is denied without prejudice. The Court already

1 ruled on the discoverability of the material sought with respect to all pending claims other  
2 than the claim for breach of a written non-disclosure agreement. If Plaintiff seeks  
3 reconsideration of that ruling, Plaintiff must file a motion that complies with Civil Local  
4 Rule 7-9. Such motion, if any, shall be filed on or before January 17, 2012.

5 4. Plaintiff's request for correspondence with third parties as relevant to its claim  
6 for breach of the non-disclosure agreement is deferred pending a ruling on Defendant's  
7 anticipated motion to dismiss that claim. Once that claim is put at issue, either because the  
8 Court denies the motion to dismiss or Defendant answers rather than moves to dismiss the  
9 claim, the parties shall meet and confer as to discovery relevant to that claim.

10 5. The parties shall continue to meet and confer with respect to the issues raised  
11 in Defendant's letter of January 4, 2012. (Dkt. No. 99.) Plaintiff shall serve his  
12 supplementary responses on or before January 23, 2012. If a dispute remains after the  
13 supplementary responses are served, Defendant shall submit a letter to the Court which  
14 addresses the remaining dispute, along with a copy of the responses at issue, on or before  
15 January 30, 2012. Defendant's written response shall be filed on or before February 6, 2012.  
16 The Court will take the matter under submission at that time.

17 **IT IS SO ORDERED.**

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19 Dated: January 10, 2012.

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22 JACQUELINE SCOTT CORLEY  
23 UNITED STATES MAGISTRATE JUDGE  
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