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

DENIS N. MINIHANE,

Plaintiff,

v.

FEDERAL EXPRESS CORPORATION,

Defendant.

No. C 11-01921 JSW

**ORDER DISCHARGING ORDER
TO SHOW CAUSE AND
DIRECTING PARTIES TO MEET
AND CONFER**

On November 29, 2011, Plaintiff filed a letter brief regarding a discovery dispute. Plaintiff’s counsel stated that he attempted to meet and confer with Defendant’s counsel before filing the letter brief, although it appears that counsel assigned to this case may have been unavailable at the time Plaintiff’s counsel requested that they meet and confer. On November 30, 2011, the Court issued an Order to Show Cause directing Defendant to show cause why the Court should not grant the relief Plaintiff requested.

The Court has received Defendants’ timely response to the Court’s Order to Show Cause. In his letter brief, Plaintiff did not set forth the circumstances behind Defendants’ request for an extension of time. Although it may be true that other lawyers were available to assist, the Court cannot say Defendants’ request for a thirty day extension to respond to Plaintiff’s discovery request, in light of counsel’s impending trial, was unreasonable. This is especially true given the fact that the deadline for fact discovery is May 2012. In addition, although Plaintiff asserts that Defendant served “boilerplate” objections, Plaintiff did not include the objections with his letter brief. Defendant contends the objections were specific.

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Thus, the Court has insufficient information to evaluate whether the Defendant should be deemed to have waived all privileges.

Therefore, the Court shall discharge the Order to Show Cause without imposing sanctions at this time. The parties are **HEREBY ORDERED** to meet and confer in a further attempt to resolve this dispute. If, after Defendants have produced the documents, any objections, and a privilege log, Plaintiff believes the responses are insufficient, he may renew his request for sanctions via a *joint* letter brief.

IT IS SO ORDERED.

Dated: December 12, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE