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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHAN JENKINS, et al.,
Plaintiffs,

Case No. C11-0211 EMC
and Related Case
Case No. C11-3232 EMC

v.

THOMAS IRVING MANDELBAUM, et al.,
Defendants.

HISCOCK & BARCLAY, LLP, etc.,
Counter-Claimant,

v.

STEPHAN JENKINS, et al.,
Counter-Defendants.

ANTHONY FREDIANELLI,
Plaintiff,

Related Case
Case No. C11-3232 EMC

v.

STEPHAN JENKINS, et al.,
Defendants.

**ORDER COMPELLING
DISCOVERY RESPONSES AND
RULE 26 INITIAL DISCLOSURE**

This Court presided over a case management conference in the *Anthony Fredianelli v. Stephan Jenkins, et al.* case on August 24, 2012. This conference followed a July 13, 2012 order of this Court which provided, among other things, that Plaintiff Anthony Fredianelli was required to serve responses to the request for production of documents, set one, served on him by Defendants Stephan Jenkins, et al., and to produce documents in response to that request, by August 3, 2012.

This Court finds that Plaintiff Anthony Fredianelli has not complied with the Order regarding response to request for documents, and the order to produce documents.

This Court also finds that Plaintiff Anthony Fredianelli has not served his FRCP Rule 26 Initial Disclosures in a timely fashion.

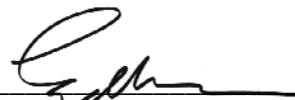
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The Court ordered at the hearing and hereby memorializes that order **in the Anthony Fredianelli v. Stephan Jenkins et al. case** as follows:

1. Plaintiff Anthony Fredianelli shall serve responses to Defendant Stephan Jenkins, et al.’s request for production of document, and to produce documents, by no later than August 31, 2012. If both responses, and production of documents, have not been made by this date, this Court will enter an evidentiary preclusion order, precluding Plaintiff Anthony Fredianelli from using in this case, for any purpose, including in connection with any motions and at trial, any documents which were responsive to the request for production of documents and which should have been produced in response to said request, but were not timely produced as ordered;
2. Plaintiff Anthony Fredianelli is to serve his Rule 26 Initial Disclosures by no later than August 31, 2012. If said Initial Disclosures are not served by this date, this Court shall enter an evidentiary preclusion order, precluding Plaintiff Anthony Fredianelli from using in this case, for any purpose, including in connection with any motions and at trial, the testimony of any witnesses whose identities should have been provided in compliance with FRCP 26 (a)(1)(A)(i) as ordered herein;
3. The close of non-expert discovery is extended to all parties in the *Anthony Fredianelli v. Stephan Jenkins et al.* case to November 30, 2012. All other pre-trial dates set by the Court, including the trial date, remain unchanged.
4. Consistent with this Court’s Order Re: Plaintiff’s Motion For Leave to Amend Complaint, dated August 14, 2012, this Court grants Plaintiff’s Motion for Leave to Amend Complaint, and orders that Plaintiff’s First Amended Complaint is the operative complaint in the *Anthony Fredianelli v. Stephan Jenkins, et al.* action, and that said First Amended Complaint is deemed filed as of the date of this Order.

IT IS SO ORDERED.

Dated: September 6, 2012



Edward M. Chen
United States District Judge