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UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT
Northern District of California
San Francisco

STANLEY BLACK & DECKER, INC., and
THE BLACK & DECKER CORPORATION,

No. C 12-04516 SC

Plaintiffs,

**NOTICE OF REFERRAL AND
HEARING DATE**

v.

D&L ELITE INVESTMENTS, LLC, a
California limited liability company d/b/a G
BAY INTERNATIONAL; BILLY DENG, an
individual, WEISHEN LUO, an individual,
and JOHN DOES 1-10, inclusive,

Defendants.

TO ALL PARTIES AND COUNSEL OF RECORD:

The district court has referred Plaintiffs' Notice of Motion and Motion for Sanctions at ECF No. 105 to United States Magistrate Judge Laurel Beeler. The hearing is set for **November 7, 2013**, at **9:30 a.m.** in Courtroom C, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California. The briefing schedule required by Civil Local Rule 7-3 remains in effect (with the opposition due on October 4, 2013, and the optional reply due on October 11, 2013).

Plaintiffs also note other discovery issues. See ECF No. 105 at 7-8. The parties should address those issues in the joint letter brief ordered by the district court. See ECF No. 108. The parties should limit their letter to five pages, which is the page limit set forth in the undersigned's standing order. That order, which is attached, provides for an expedited schedule for resolving discovery

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1 disputes that gets disputes to the court in approximately two weeks. The relevant excerpt is as
2 follows:

3 The parties may not file formal discovery motions. Instead, and as required by the federal rules
4 and local rules, the parties must meet and confer to try to resolve their disagreements. *See* Fed.
5 R. Civ. P. 37(a)(1); Civil L. R. 37-1. After attempting other means of conferring such as letters,
6 phone calls, or emails, lead counsel for the parties must meet and confer **in person**. (If counsel
7 are located outside of the Bay Area and cannot confer in person, lead counsel may meet and
8 confer by telephone.) Either party may demand such a meeting with ten days' notice. If the
9 parties cannot agree on the location, the location for meetings will alternate. Plaintiff's counsel
10 will select the first location, defense counsel will select the second location, and so forth. If the
11 parties do not resolve their disagreements through this procedure, the parties must file a joint
12 letter brief **of no more than five pages** instead of a formal motion five days after lead counsels'
13 in-person meet-and-confer. The letter brief must be filed under the Civil Events category of
14 "Motions and Related Filings > Motions – General > Discovery Letter Brief." Lead counsel for
15 both parties must sign the letter and attest that they met and conferred in person. The joint letter
16 must set out each issue in a separate section and include in that section each parties' position
17 (with appropriate legal authority) and proposed compromise. (This process allows a side-by-side
18 analysis of each disputed issue.) If the disagreement concerns specific discovery that a party has
19 propounded, such as interrogatories, requests for production of documents, or answers or
20 objections to such discovery, the parties must reproduce the question/request and the response in
21 its entirety in the letter. The court then will review the letter and determine whether future
22 proceedings are necessary. In emergencies during discovery events such as depositions, the
23 parties may contact the Court pursuant to Civil Local Rule 37-1(b).

24 Given the nature of the spoliation issue, the court is allowing the motion to proceed (even though
25 that is not the court's usual process, which is geared toward resolving production issues first and
26 addressing sanctions later).

27 The parties must comply with the Federal Rules of Civil Procedure, the Local Rules of Civil
28 Procedure, and the standing order, including the meet-and-confer procedures regarding resolution of
future discovery disputes.

IT IS SO ORDERED.

Dated: September 26, 2013



LAUREL BEELER
United States Magistrate Judge