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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICOLE BAKER,
Plaintiff,

v.

BAYER HEALTHCARE
PHARMACEUTICALS INC.,
Defendant.

Case No. 13-cv-00490-TEH (KAW)

**ORDER PERMITTING PARTIES TO
FILE EXHIBITS TO THEIR JOINT
DISCOVERY LETTER**

Re: Dkt. No. 58

In compliance with the Court's General Standing Order, the parties in this case have omitted a number of exhibits to their joint discovery letter, Dkt. No. 58. Having reviewed the parties' filing, the Court agrees that the supplemental material may contain useful information.

Accordingly, the parties may file the spreadsheet of call notes identified as MIR_Baker_6 so that the Court has an opportunity to review whether the call notes at issue properly fall within the scope of Plaintiff's Request for Production No. 8, which is the request pursuant to which Plaintiff seeks all calls notes in Defendant's databases.

The parties may also file the transcript from the August 14, 2013 MDL hearing before Judge Seibel in the Southern District of New York, and the order that describes the limitations the MDL court placed on the production of sales call notes in that action. To the extent that the transcript or the order reveal that production of sales call notes were identified to a particular plaintiff, the Court invites the parties to revisit why such an approach would not also be appropriate in this case.

With respect to Defendant's request to file certain sales call notes under seal, Defendant may submit a separate motion that complies with Civil Local Rule 79-5, which governs motions to file documents under seal. Any sales call notes must be annotated to include the relevant HIPPA

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provision that applies to the specific information Defendant claims is protected.

Once the parties have filed these additional materials, the Court will determine whether a hearing is necessary to resolve this dispute or whether the matter is suitable for disposition without hearing pursuant to Civil Local Rule 7-1(b). The parties shall also lodge a courtesy copy of any papers filed on docket, as required by Civil Local Rule 5-1. Courtesy copies shall contain separate tabs for each exhibit, with relevant portions of any exhibit highlighted.

IT IS SO ORDERED.

Dated: 09/18/14


KANDIS A. WESTMORE
United States Magistrate Judge