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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARPENTER PENSION TRUST,

No. C-13-01063 DMR

Plaintiff(s),

ORDER TO SHOW CAUSE

v.

LINDQUIST FAMILY LLC,

Defendant(s).

On December 13, 2013, Plaintiffs and non-party Lauren Bockmiller filed a joint discovery letter. [Docket No. 31.] On December 27, 2013, this court denied the joint discovery letter without prejudice, as it appeared the parties were still in the process of meeting and conferring. [Docket No. 36.] The court ordered the parties to continue to meet and confer about the disputes raised in the joint letter, and also ordered the parties to file a joint discovery letter regarding the remaining discovery issues by January 9, 2014 if they were unable to resolve those disputes without court intervention. The court also ordered Bockmiller to simultaneously lodge with the court the fifteen documents listed on her privilege log (Docket No. 34) for in camera review if the parties were unable to resolve their disputes. *Id.*

On January 9, 2014, Plaintiffs filed an ex parte letter in which they explain that, despite Plaintiffs' numerous efforts to contact Tim Winchester and Chuck Toombs, Bockmiller's counsel,

1 Winchester and Toombs did not make themselves available to meet and confer as the court had
2 ordered. [Docket No. 37.] Nor has Bockmiller lodged the requested documents with the court.

3 The discovery disputes at hand concern, inter alia, Bockmiller's assertion of attorney client
4 privilege over certain documents in her possession, custody, or control. "The burden is on the party
5 asserting the privilege to establish all the elements of the privilege." *United States v. Martin*, 278
6 F.3d 988, 999-1000 (9th Cir. 2002). Bockmiller's counsel is therefore ordered to show cause by **12**
7 **p.m. on January 14, 2014**, why their failure to follow the court's orders as described above should
8 not result in a ruling against Bockmiller for failing to meet her burden of establishing the elements
9 of the privilege she has asserted. Failure to timely respond may result in such a ruling against
10 Bockmiller.

11
12 IT IS SO ORDERED.

13 Dated: January 13, 2014

