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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
REAL PROPERTY AND
IMPROVEMENTS LOCATED AT 2366
SAN PABLO AVENUE, BERKELEY,
CALIFORNIA,
Defendant.

Case No. [13-cv-02027-JST](#)

**ORDER RE LETTER BRIEF FILED
DECEMBER 6, 2013**

Re: Dkt. No. 65

The Court is in receipt of the discovery letter brief filed by Claimant Berkeley Patients Group (“BPG”) on December 6, 2013, seeking to block production of certain of BPG’s tax documents by the California State Board of Equalization pursuant to a subpoena served by the United States. BPG contends that the document cannot be produced absent a showing of (1) a compelling need for the documents and (2) the absence of any other source for the requested information. ECF No. 65 at 2. BPG further contends that the United States cannot make this showing. Id.

BPG attempted to meet and confer with the United States concerning its objections to production, so that the parties could file a joint letter brief prior to the production of the documents. The documents are scheduled to be produced on Monday, December 9, 2013.

On December 3, 2013, BPG requested that the Assistant United States Attorney participate in the drafting of a joint letter so the dispute could be resolved in an orderly fashion. The AUSA appears to have been unwilling to participate in the drafting of such a letter at any time prior to December 9, 2013, although that is the date set for production. Accordingly, BPG filed its letter brief unilaterally. It waited to do so until 4:30 p.m. today, Friday, December 6, 2013.

The Court cannot conduct discovery this way. The United States must participate in the

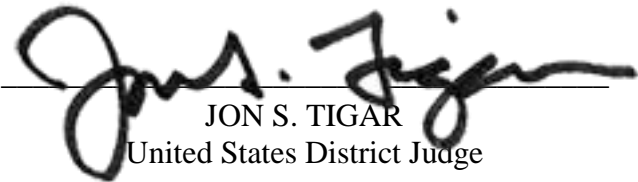
1 orderly, joint resolution of discovery disputes. BPG must bring its disputes to the Court in a way
2 that avoids the creation of a false sense of urgency.

3 In order to ensure that discovery in this case proceeds in an orderly fashion, the Court now
4 schedules this matter for hearing on Monday, December 9, 2013 at 4:00 p.m. in Courtroom 9.
5 Lead counsel for BPG and the United States will appear in person. All other counsel are invited to
6 participate by telephone.

7 In the interim, the Board of Equalization is ordered not to produce the documents sought
8 by the subpoena served by the United States on November 8, 2013, until further court order. BPG
9 is ordered to serve a copy of this Order on the Board of Equalization and to file a proof of service.

10 **IT IS SO ORDERED.**

11 Dated: December 6, 2013


JON S. TIGAR
United States District Judge