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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ABM PARKING SERVICES, INC.,

Plaintiff,

No. C 13-02211 WHA

v.

MICHAEL D. MALATIN and PINNACLE
AUTOMOTIVE HOSPITALITY
SERVICES, INC.,

**ORDER RE OCTOBER 2, 2013,
DISCOVERY HEARING**

Defendants.

Defendants Michael D. Malatin and Pinnacle Automotive Hospitality Services, Inc., filed a discovery letter on September 24, 2013, claiming that plaintiff ABM Parking Services, Inc.'s initial disclosures were inadequate. Plaintiff filed a response on September 30, 2013. Following an unsuccessful three-hour meet-and-confer to resolve the discovery dispute, a hearing was held on October 2, 2013, on the issues.

Having considered arguments of counsel, as well as all accompanying documents on file in this action, it is hereby ordered:

1. By **OCTOBER 11, 2013**, plaintiff must have produced any and all documents referred to in its initial disclosures. Plaintiff will be prohibited from relying on or introducing into evidence in this action any document that is referred to in plaintiff's initial disclosures but was not produced by October 11, 2013.
2. By **OCTOBER 31, 2013**, plaintiff must provide defendants with a computation of each category of damages claimed by plaintiff in this action, and must make

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available for inspection and copying the documents and other material(s) on which plaintiff relies for such computation, including materials bearing on the nature and extent of injuries suffered, unless privileged. If, subsequent to October 31, 2013, information becomes available which could not have been obtained earlier, then under the supplementation provision of FRCP 26, plaintiff may attempt to augment its initial disclosures computation, without prejudice to a motion by defendants to strike such augmentation as improper.

3. Because plaintiff lacked substantial justification for its failure to comply with the initial disclosures requirement of FRCP 26(a), plaintiff is hereby ordered to pay defendants \$400 in attorney's fees.

IT IS SO ORDERED.

Dated: October 15, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE