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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 PINTEREST, INC.,
7 Plaintiff,

8 v.

9 PINTRIPS, INC.,
10 Defendant.

Case No. 13-cv-04608-RS (KAW)

**ORDER REGARDING DISCOVERY
LETTER BRIEF, ADMINISTRATIVE
MOTION TO SEAL, & MOTION FOR
SANCTIONS**

Re: Dkt. Nos. 76, 94, 95

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13 On October 10, 2014, the parties in the above-captioned case filed a joint letter brief in
14 which they outline a number of outstanding discovery disputes. (Joint Ltr., Dkt. No. 94.) Plaintiff
15 has also filed an administrative motion to file exhibits to the letter brief under seal. (Pl.'s Mot.,
16 Dkt. No. 95.) In the joint letter, the parties indicate that they have only met and conferred about
17 some of their disputes. This is insufficient.

18 The parties are ordered to meet and confer to resolve all outstanding discovery disputes
19 prior to seeking court intervention. See General Standing Order ¶ 12. Additionally, the parties are
20 ordered to review the Northern District's Guidelines for Professional Conduct (available at
21 http://cand.uscourts.gov/professional_conduct), with particular attention paid to the Discovery
22 section.

23 To the extent the parties dispute the adequacy of Defendant's compliance with Fed. R. Civ.
24 P. 34, Paragraph 14 of the Court's Standing Order should guide the parties' meet and confer
25 efforts. That paragraph provides:

26 In responding to requests for documents and materials under Fed. R. Civ. P. 34, all
27 parties shall affirmatively state, in a written response served on all other parties, the
28 full extent to which they will produce materials and shall, promptly after the
production, confirm in writing that they have produced all such materials so
described that are locatable after a diligent search of all locations at which such

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materials might plausibly exist. It shall not be sufficient to object and/or state that "responsive" materials will be or have been produced.

General Standing Order ¶ 14 (emphasis in original).

As the parties have not sufficiently met and conferred, their joint discovery letter brief is terminated, and Plaintiff's administrative motion to file exhibits under seal is terminated as moot. In the event the parties are unable to resolve their disputes after meeting and conferring, they may seek leave from the presiding judge to extend the deadline for filing a joint letter. See Civil Local Rule 37-3 ("Where the Court has set separate deadlines for fact and expert discovery, no motions to compel fact discovery may be filed more than 7 days after the fact discovery cut-off . . ."). The parties may file an updated joint letter only if the presiding judge grants such leave. Any updated joint letter must conform to the Court's General Standing Order, including the requirement that the parties file separate letters for each discovery dispute. See General Standing Order ¶ 13. The joint letter must also contain a certification by the parties that they have reviewed and complied with the Northern District's Guidelines for Professional Conduct.

With respect to the motion for sanctions filed on August 27, 2014, the Court ordered Plaintiff to re-notice its motion for hearing according to Civil Local Rule 7-2. (Aug. 29, 2014 Order, Dkt. No. 79.) As of the filing of this order, Plaintiff has not done so. Plaintiff shall re-notice its motion within 7 days of this order. Otherwise, the motion will be deemed withdrawn.

IT IS SO ORDERED.

Dated: 10/17/2014


KANDIS A. WESTMORE
United States Magistrate Judge