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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

COLLEEN GALLAGHER, et al.,  
Plaintiffs,  
v.  
BAYER AG, et al.,  
Defendants.

Case No. [14-cv-04601-WHO](#)

**ORDER REQUIRING MEET AND  
CONFER SESSIONS CONCERNING  
DISCOVERY DISPUTE**

Re: Dkt. Nos. 85, 86

It is always disheartening when lawyers cannot muster the civility and cooperation necessary to produce a joint letter describing their disagreements. That is such a low bar. But since it appears too high in this case, I ORDER that:

1. Lead trial counsel meet and confer this week in good faith for no less than three hours concerning their discovery disputes. I normally require a face to face meeting, because it is harder to be discourteous and unengaged in person, but given the timing I am requiring I will allow this session to occur over the telephone.
2. Lead trial counsel shall file a **Joint Report** on December 7, 2015 by 2 pm.
3. If all the problems have not been resolved, lead trial counsel shall meet in person from 9:30 am to 12:30 pm in the Attorney’s Lounge on the 18<sup>th</sup> floor of this courthouse on December 8, 2015 to attempt to narrow the issues further.

I will then hear argument on any unresolved matters at the end of the Case Management Conference calendar that commences at 2 pm December 8, 2015.

In an effort to assist the meet and confer sessions, I will offer some preliminary observations. It appears that many of plaintiffs’ requests are relevant but overbroad. It is impossible to tell from the responses how the defendants’ objections impacted their actual

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production of documents. I encourage both sides to be reasonable and clear in their discussions so that the relevant, material documents are produced and the issues of legitimate disagreement, if any, are clarified. The defendants have also raised in their statement to me plaintiffs' failure to respond to discovery. While this is an issue that has not been addressed jointly yet, I expect the parties to address it in the meet and confer sessions and to describe any lingering issues in the Joint Report on December 7, 2015.

**IT IS SO ORDERED.**

Dated: November 30, 2015

  
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WILLIAM H. ORRICK  
United States District Judge