

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

H., et al.,

Plaintiffs,

v.

BRENTWOOD UNIFIED SCHOOL  
DISTRICT, et al.,

Defendants.

Case No. [15-cv-05461-VC](#)

**ORDER RE DISCOVERY LETTER**

Re: Dkt. No. 53

With respect to the discovery letter dated September 21, 2016 (Docket No. 53), the Court rules as follows:

The plaintiff's contention that information sought in Category Number 4 is not discoverable is without any justification. The motion to quash is therefore denied with respect to Category Number 4. Counsel for the plaintiff is ordered to file a brief by October 4, 2016, explaining why she should not be liable for costs and fees incurred by the defendant in responding to the position that the information in Category No. 4 is not discoverable. See Fed. R. Civ. Proc. 37(a)(5)(A). On the same day, the defendant should file a declaration setting forth the costs and fees incurred with respect to the dispute regarding Category Number 4.

With respect to the assertion of privilege, a hearing will take place on Tuesday, October 11, 2016 at 1:30 p.m. The defendant shall file a supplemental brief on this question, not to exceed 10 pages, by September 30, 2016. The plaintiff shall file a supplemental response brief, not to exceed 10 pages, by October 4, 2016. The defendant may file a supplemental reply, not to exceed 5 pages, by October 7, 2016. If the Court concludes that the position of one side or the other is without substantial justification, it will shift fees and costs pursuant to Rule 37(a)(5)(A).

**IT IS SO ORDERED.**

Dated: September 23, 2016

A handwritten signature in black ink, appearing to read 'Vince Chhabria', positioned above a horizontal line.

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VINCE CHHABRIA  
United States District Judge