

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA BERRY CULTIVARS,  
LLC,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA,

Defendant.

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THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA, a corporation,

Cross-Complainant,

v.

CALIFORNIA BERRY CULTIVARS,  
LLC, DOUGLAS SHAW, and KIRK  
LARSON,

Cross-Claim Defendants.

Case No. [16-cv-02477-VC](#)

**ORDER RE MOTION TO COMPEL  
SUPPLEMENTAL DISCOVERY FROM  
CBC**

Dkt. No. 128

For the reasons discussed at the hearing on the record, the University's motions to compel further CBC testimony and to compel supplemental production on the 2014 crosses are denied.

The University's motion to compel production of the documents that CBC continues to withhold as privileged is denied. There is no indication from the privilege log or the hearing that CBC is withholding documents that are not covered by the attorney-client privilege. Moreover, if some documents on the privilege log were not covered by the attorney-client privilege, they would likely be protected from disclosure under the common interest doctrine. Denial is without

prejudice to renewing the motion if the University learns something from the upcoming depositions of International Semillas witnesses, and from the anticipated document production by International Semillas, that would indicate that the documents on the privilege log are not actually protected.

**IT IS SO ORDERED.**

Dated: February 8, 2017



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VINCE CHHABRIA  
United States District Judge